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*Attorneys for Claimant Israel Rothbart*

DeARCY HALL, J.

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U.S. DISTRICT COURT E.D.N.Y.  
★ JAN 10 2019 ★  
BROOKLYN OFFICE

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF NEW YORK

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In re: Application of ISRAEL ROTHBART  
for an Order to Conduct Discovery for Use  
in a Foreign Legal Proceeding Pursuant  
to 28 U.S.C. § 1782  
-----X

Misc. Action No. **MISC 19-0072**

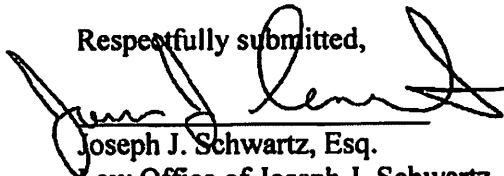
**APPLICATION OF ISRAEL  
ROTHBART PURSUANT TO  
28 U.S.C. § 1782**

Israel Rothbart ("Claimant"), by and through his attorneys at the Law Office of Joseph J. Schwartz, P.C., respectfully requests that this Court grant his Application Pursuant to 28 U.S.C. § 1782 seeking discovery from Livi Kraus a/k/a Levi Kraus a/k/a Levi Yitzchak Kraus ("Kraus"), a resident of Brooklyn, New York, for use in a foreign proceeding captioned *Israel Rothbart v. Morris Rothbart (In re: Estate of Janos Rothbart Deceased)*, SUB-39329/18, High Court of Justice, Family Division, United Kingdom (the "U.K. Proceeding").

In support hereof, and filed contemporaneously herewith, Claimant respectfully submits:

1. A Memorandum of Law in Support of this Application;
2. The Declaration of Joseph J. Schwartz (and exhibits thereto);
3. A Proposed Order; and
4. A Proposed Subpoena.

Respectfully submitted,

  
Joseph J. Schwartz, Esq.  
Law Office of Joseph J. Schwartz, P.C.  
3118 Quentin Road

Brooklyn, New York 11234

Phone: (347) 566-4623

Fax: (347) 757-4166

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**UNITED STATES DISTRICT COURT FOR THE  
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In re: Application of ISRAEL ROTHBART  
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Misc. Action No. \_\_\_\_\_

-----X

**DECLARATION FO JOSEPH J. SCHWARTZ IN SUPPORT OF *EX PARTE*  
APPLICATION FOR ASSISTANCE IN AID OF A FOREIGN PROCEEDING  
PURSUANT TO 28 U.S.C. § 1782**

I, Joseph J. Schwartz, Esq., declare as follows:

1. I am an attorney duly admitted to practice law in the State of New York and before this Court. I am the principal attorney at the Law Office of Joseph J. Schwartz, P.C., attorneys of record for Israel Rothbart ("Claimant") in this matter.

2. I respectfully submit this Declaration in support of Claimant's *ex parte* application for assistance in aid of a foreign proceeding pursuant to 28 U.S.C. § 1782 seeking testimony and documentary evidence to be taken from Livi Kraus a/k/a Levi Kraus a/k/a Levi Yitzchak Kraus ("Kraus"), a resident of Brooklyn, New York, to be used in the action known as *Israel Rothbart v. Morris Rothbart (In re: Estate of Janos Rothbart Deceased)*, SUB-39329/18, High Court of Justice, Family Division, The Principal Registry, United Kingdom (the "U.K. Proceeding").

3. Attached as Exhibit A is a true and complete copy of the Affidavit of Israel Rothbart, date December 21, 2017, and all exhibits thereto.

4. Attached as Exhibit B is a true and complete copy of the Subpoena issued by the High Court of Justice in the U.K. Proceeding, in or around March 2018.

5. Attached as Exhibit C is a true and complete copy of an Affidavit of Service, dated March 12, 2018.

6. Attached as Exhibit D is a true and complete copy of the Affidavit of Morris Rothbart, date March 26, 2018, and all exhibits thereto.

7. Attached as Exhibit E is a true and complete copy of a text message from Livi Kraus to Israel Rothbart, dated May 31, 2018, in which Livi Kraus refuses to discuss matters of the Estate.

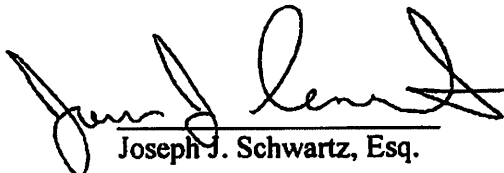
8. Attached collectively as Exhibit F are true and complete copies of letters to Defendant's counsel, dated October 8, 2018 and October 30, 2018 respectively.

9. Attached as Exhibit G is a true and complete copy of a Proposed Order submitted to the Court herewith.

10. Attached as Exhibit H is a true and complete copy of a Proposed Subpoena submitted to the Court herewith.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: Brooklyn, New York  
January 4, 2019

  
Joseph J. Schwartz, Esq.

Applicant: I. Rothbart: 1st: on 12 December 2017

Exhibit: IR1

**IN THE HIGH COURT OF JUSTICE**

**FAMILY DIVISION**

**THE PRINCIPAL REGISTRY**

**IN THE ESTATE OF JANOS ROTHBART DECEASED**

**BETWEEN:**

**ISRAEL ROTHBART**

**Claimant**

**- and -**

**MORRIS ROTHBART**

**Defendant**

---

**AFFIDAVIT OF ISRAEL ROTHBART**

---

I, ISRAEL ROTHBART of Apartment 2A, 119 Lorimer Street, Brooklyn, New York, United States of America, entrepreneur, **STATE ON OATH** as follows:

**Introduction**

- I. I make this affidavit in support of my application for an Order:
  - a. that pursuant to s.123 of the Senior Courts Act 1981 the court do issue a subpoena requiring the Defendant, my paternal uncle Mr Morris Rothbart, to bring in to the court within 14 days of the date of service of the said subpoena a document in his possession, custody or control purporting to be a testamentary document, namely a will or purported will executed by my late grandfather Mr Janos Rothbart (the 'Deceased') in or around 2012; and
  - b. should the Defendant swear that the said document is not in his possession, custody or power, that pursuant to s.122 of the Senior Courts Act 1981 the Defendant be required to

attend court for the purpose of him being examined in open court as to the Deceased's will.

2. The facts and matters set out in this affidavit are within my own knowledge and are true save where I have indicated otherwise in which case they derive from the sources stated and are true to the best of my knowledge and belief.
3. There is now produced and shown to me a paginated bundle of documents marked "IR1" which contains copies of the documents to which I refer in this affidavit. References to page numbers in this affidavit are to that exhibit unless otherwise dated.

**Background**

4. The Deceased, of 18 Overlea Road, Clapton Common, London E5 9BG, died on or about 3 June 2015 resident and domiciled in England and Wales. The Deceased was survived by his wife, my grandmother Esther Rothbart, and by six adult children including the Defendant: my uncles and aunts.
5. The Deceased was of the Orthodox Jewish faith. He emigrated to the UK in or around the 1940s and lived in North London until his death. During his lifetime, the Deceased established and maintained a successful leather and textile manufacturing business and, subsequently, a successful property business, the majority of which I believe to form part of his estate (the 'Estate'). Following the death of my grandfather, various family members have indicated to me that the estate assets are worth between £25 million and £65 million.
6. My father, the late Oscar Rothbart, one of the Deceased's sons, was born in London in 1960 and emigrated to the United States in the 1980s. He was a member of the Orthodox Jewish community in Brooklyn, New York, until his death in January 2001. He thus predeceased his father. Myself and five siblings survive our father.
7. In or about 2015, shortly after the Deceased's death, I contacted my uncle Joseph Rothbart of 58 Moresby Road, London E5 9LF, one of the Deceased's surviving sons ('Joseph Rothbart'), to make enquiries regarding the Estate. Joseph Rothbart informed me that the Defendant was the executor of the Estate and that I should direct all further enquiries regarding the Estate to him.
8. Shortly thereafter, I contacted the Defendant directly to enquire about the Estate. The Defendant responded to my enquiries with hostility and refused to provide any pertinent

information regarding the Estate. The Defendant insisted that he was only willing to discuss matters of the Estate through an intermediary, namely my brother-in-law Livi Kraus of 270 Wallabout Street, Apt 2B Brooklyn, New York 11206, USA ('Livi Kraus'). Upon contacting Livi Kraus, he informed me that the Defendant had shown him the Deceased's duly executed last will and testament, which is in the form of a Hebrew will prepared in accordance with Jewish religious law (a 'Tzava'ah') and dated in or around 2012 (the 'Will') and that the Will was in the possession, custody and control of the Defendant. Livi Kraus confirmed that, pursuant to the provisions of the Will, and as my father's son and heir, I was named as one of the beneficiaries of the Estate.

9. Livi Kraus further informed me that, pursuant to the Will, the Deceased had appointed the Defendant and Joseph Rothbart as joint executors of his Estate. Consistent with the information provided to me by Joseph Rothbart, Livi Kraus confirmed that Morris Rothbart had taken it upon himself to administer the Estate with little input from his joint executor. He informed me that the estate comprised predominantly of a significant number of real estate properties in or around London, either purchased by (or on behalf of) the Deceased or by the executors out of the estate. He said that the properties were purchased without the aid of a mortgage; that they were each of substantial value (some being valued at just short of £1 million), and that they were purchased already tenanted so as to yield rental income. He said that certain purchases had been organised by the Defendant while the Deceased was still alive but following a stroke he had suffered approximately 5 years prior to his death.
10. Livi Kraus also said that the annual rental income was approximately £3.5 million. He reported that the Defendant charges approximately £350,000 in estate administration / property management fee, and the Defendant decided that while my grandmother, Esther Rothbart, is alive the Estate will not be divided but interim distributions will be made to the beneficiaries.
11. Searches of the probate records confirm that neither the Defendant nor anyone else has been issued a grant of probate as of the date of this affidavit. Nevertheless, the Defendant has made numerous payments to me, both in cash and by cheque, since June 2015 which I understand to have been payments from the Estate, which include but are not limited to the following:
  - a. On 24 June 2015, I received a text message from Livi Kraus, informing me that the Defendant would make payment to me from the Estate (see page 1 - the Defendant is referred to as "Moishe" in the text message and the Deceased as "Zeidy"). Livi Kraus

followed up with a further text message on 14 July 2015, in which he stated that the payment would amount US\$ 7,833.33 (see page 2).

- b. In late June 2016, I received a cheque dated 20 June 2016 from Mr Morris Herzog, a family friend and another intermediary for the Defendant, in the amount of US\$ 12,000 (see page 3). I also understood that this was a payment to me out of the Estate.
  - c. On 6 August 2017, I was contacted again by Livi Kraus via text message to inform me that the Defendant (referred to as "Uncle Moshe" in the text message) had sent me further cash from the Estate (see page 4).
  - d. Livi Kraus contacted me again on 22 August 2017, letting me know that he had a cheque in the amount of US\$ 9,243 for me (see page 5). I received a cheque for the same amount dated 22 August 2017 shortly thereafter (see page 6). The cheque was written by Bernard Kraus, who is the father of Livi Kraus and is also connected to the Defendant and has acted as his intermediary on other occasions.
12. It is my understanding, based on my discussions with Livi Kraus and other family members that all of the payments set out in paragraph 11 of this affidavit were being made to me by way of interim distributions from the Estate and pursuant to the provisions of the Will (the 'Interim Distributions'). Livi Kraus explained that the Defendant did not wish to send money to the beneficiaries of the Estate by conventional means but instead would send money through various intermediaries.
13. Livi Kraus informed me that when he first approached the Defendant to enquire about the Estate, the Defendant said that the assets were in trust dated 2010, and it would take 10 years to wind it up. When I challenged this assertion, Livi Kraus had subsequent conversations with the Defendant wherein he changed his stance and confirmed that the assets were in the estate, but indicated that it would take 3-4 years to administer it.
14. Despite having received the Interim Distributions, I am not aware of the terms of the Will or the extent of my interest under it, and have found the information given to me contradictory, inconsistent and confusing. I have, since 2015, made various oral enquiries of the Defendant as to the nature of the Interim Distributions, the contents of the Will and the nature and size of the Estate. Regrettably I have received only evasive and unhelpful responses from him as to the nature of my interest in the Estate. I have long believed that the Defendant's sporadic and

inconsistent Interim Distributions have been far less than the amounts to which I believe I am entitled from the Estate. I further believe, from discussions with Livi Kraus, that the interim distributions to the beneficiaries, totalling approximately US\$150,000 per year, derive from the rental income of only one property. I believe that the Defendant intentionally made minimal and occasional distributions to me so as to appease me and stave off further enquiry into the Estate.

15. In these circumstances, and some two years after my grandfather's death, I decided to instruct solicitors to assist me in understanding my position in relation to the Estate. My solicitors, Messrs McDermott Will & Emery, wrote to the Defendant on 25 August 2017 to requested that he provide a copy of the Will and other basic information regarding the Estate (see pages 7-9).
16. The Defendant responded by way of a letter dated 11 September 2017, in which he claimed that the Deceased had died intestate (see page 10). This assertion was made after more than two years of the Defendant purporting to act as executor of the Estate pursuant to a valid will, and in direct contradiction to the information provided to me by my relatives as to the existence of a Will and its terms. Since searches of the Probate Registry showed that no grant of administration had been issued to the Defendant, this raises further questions as to the capacity in which he has and continues to administer the Estate if the Deceased did indeed die intestate.
17. My solicitors made further enquiries as to the whereabouts of the Will and the Defendant's capacity to administer the Estate on 29 September 2017 (see pages 11-12). The Defendant responded by way of a letter dated 23 October 2017 (at page 13), claiming, again in contradiction to the statements made by Joseph Rothbart and Livi Kraus, that he was not in fact the executor of the Estate. The letter further directed me to contact my grandmother Esther Rothbart, the Deceased's widow, for any further queries regarding the Estate.
18. On 7 November 2017, my solicitors wrote to Esther Rothbart, informing her of my previous correspondence with the Defendant and my efforts to obtain information regarding the Estate (pages 14-15). In response, my solicitors received a letter dated 17 November 2017 from DKLM Solicitors ('DKLM'), who act on behalf of Esther Rothbart, enclosing a copy of a will, purportedly made by the Deceased on 13 June 1975, which purports to appoint Esther Rothbart as the sole executrix and sole beneficiary of the Estate (the '1975 Will'). DKLM's letter and the 1975 Will appear at pages 16-18.

19. It would appear that the two witnesses to the 1975 Will have not in fact signed their names and therefore there may be some question regarding the validity of this will. In any event, searches of the Probate Registry reveal that no grant of probate has been issued to Esther Rothbart in respect of the Estate.
20. The terms of the 1975 Will present a version of the Deceased's last wishes which is inconsistent with the Defendant's three previous versions (the first being that the Deceased left his assets in a trust; the second being that a will bequeathing his estate to his children or their further issue equally, and the third being that the Deceased died intestate). The appearance of the 1975 Will at this time is surprising, since Esther Rothbart knew of my enquiries to the Defendant prior to receiving my solicitors' letter in November this year and yet she did not mention this will previously.
21. Most recently, on 24 November 2017 I received a text message from Livi Kraus (see pages 19-20), in which he told me that he had seen a 'Tzava'ah' (i.e. a Hebrew – possibly religious-will) of the Deceased of 2012. This gives me further reason to believe that such a document exists but that the Defendant has refused to disclose it to me, or to explain to me my interest in the Estate deriving from the terms of this will.
22. Since the matters set out above relate to my close family, I had been very reluctant to pursue this matter through the civil courts and have made previous unsuccessful attempts to resolve the issues set out above in an amicable fashion. Having tried and failed to get clarity from the Defendant about the Estate and my interest in it, I have also tried to deal with the matter amicably by commencing a rabbinic mediation with the Defendant, Esther Rothbart and other family members in the Beth Din of New York. The Beth Din issued a first summons on 3 April 2017 (see pages 21-34, together with an informal translation), but this was ignored by the Defendant and Esther Rothbart. The Deceased is referred to in that summons by his Hebrew name, Chaim Jonah Rothbart.
23. A second summons dated 10 May 2017 (see pages 35-48) was met with a fax sent by "Esther Rothbart and family" on or about 14 May 2017, stating that they would only appear for mediation before a Beth Din in London (see pages 49-50). (Please note that the fax date/time stamp of 15 June 2015, is erroneous.)

24. A third and final summons dated 29 June 2017 was issued along with a letter of the same date from the Beth Din of New York stating that I would be amenable to attending a mediation in London provided that the parties agree to mediate the matter before a panel of three mediators (with each side to select one mediator and the two selected mediators to select a third neutral mediator). The Beth Din demanded that a response be received providing the Defendant's agreement and selection within 10 days (see pages 51-66). The third summons and letter were met with a letter from "Joseph Rothbart on behalf of the Rothbart family" dated 12 July 2017 stating that they would only appear before a Beth Din of their own choice in London (see pages 67-68).
25. Given these repeated tactics of obfuscation and delay in this matter, on or about 20 July 2017 the Beth Din of New York authorised me to issue these proceedings before the English court (as required by Jewish religious law) – see pages 53-54.
26. The inconsistent and contradictory information I have received from the Defendant and from Esther Rothbart has left me with no option but to issue these proceedings.

**This application**

27. In all the circumstances set out above, I respectfully ask the court to assist me in obtaining proper information as to the contents of the will dated approximately 2012 and my interest and entitlement to my grandfather's Estate under the terms of that will via the use of its statutory powers under ss.123 and 122 of the Senior Courts Act 1981 to:

- a. Require the Defendant to bring a copy of the 2012 Will into court; and
- b. If he fails to do so, require the Defendant to attend court to be examined in open court as to the contents and present whereabouts of the 2012 document.

Sworn by the said Israel Rothbart



Signature

At 19 Yorker St Apt 2A  
Brooklyn NY 11206 USA

On 12/21/2017

before me



Signature

Padram Fejral

Name

PADRAM FEJRAL  
Notary Public, State of New York  
Qualified in Kings County  
No. 01FE6305764  
My Commission Expires 06-09-2018

Solicitor/Commissioner for Oaths/Other (specify)

**IN THE HIGH COURT OF JUSTICE**

**FAMILY DIVISION**

**THE PRINCIPAL REGISTRY**

**IN THE ESTATE OF JANOS ROTHBART DECEASED**

**BETWEEN:**

**ISRAEL ROTHBART**

**Claimant**

**- and -**

**MORRIS ROTHBART**

**Defendant**

**EXHIBIT IR1**

**This is Exhibit IR1 to the affidavit of Israel Rothbart dated 21 December 2017**

before me

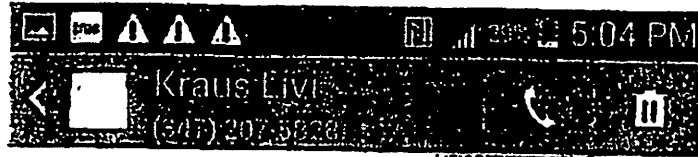
Signature

Name

**PADRAM FEJAL**  
Notary Public, State of New York  
Qualified in Kings County  
No. 01677335784  
My Commission Expires 08-09-2018

**Solicitor/Commissioner for Oaths/Other (specify)**

Case 1:19-cv-00066 Document 1-3 Filed 01/04/19 Page 9 of 77 PageID #: 32



there

12:16 PM

06/24/2015 Wed

Moishe gave me some  
details about Zeidy's estate.  
Please call me when you  
have a chance.

When you going to country?

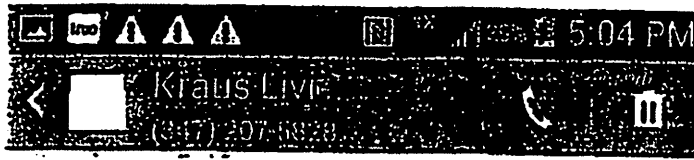
6:43 PM

Tomorrow morning.

07/14/2015 Tue

Good evening. I have  
\$7 833 33 for you from

From: [redacted]



Tomorrow morning.

11:11

07/14/2015 Tue

Good evening. I have  
\$7,833.33 for you from  
Moshe. It's currently at your  
mother's house.

07/19/2015 Sun

Call back please

Call me after 10pm.

Okay

11:11

**MORRIS HERZOG**  
344 N. FULLER AVE.  
LOS ANGELES, CA 90038

1014  
50-893219  
442

JUNE 20 2016  
0310

Pay to the Order of ISRAEL ROTHBART \$ 12000.00  
TWENTY THOUSAND ————— Dollars

KeyBank National Association  
Mersey, New York 10952  
1-800-HOT2YOU

For M Herzog

⑆021905934⑆ 325900020604⑈ 1014

Date: 05/25/2016 Account: 325900020604 Amount: \$12,000.00 Serial: 1014 Sequence: 179343930 TR: 21906934  
TransCode: C Desc: D Pattern: 15 RID: 0

6051  
6051

86% 10:02 AM

**Kraus Livi**

(347) 207-5828

Sunday, August 6, 2017

Good afternoon. Uncle Moshe sent you some cash. I left it with your mother. Please contact her for pickup.

PM Thank you

Friday, August 19, 2017

PM Please call me back, thanks

Monday, August 21, 2017

Hi

I'm following up on the check

PM

Will let you know tomorrow inidday IYH.

PM Thanks

Tuesday, August 22, 2017



3:17 PM 86% 10:02 AM

**Kraus Livi**

(347) 207-5828

7:17 PM

K

Will let you know tomorrow  
midday IYH.

7:27 PM

7:40 PM Thanks

Monday, August 12, 2019

K

I've got a \$9,243 check for  
you. Will mail it soon IYH.

10 AM

119 Lorimer St Apt 2A  
Brooklyn NY 11206

10:10 AM Thank you

Mailed.

10:17 PM

10:25 PM K

Monday, September 10, 2019

A ksiva v'chasima tova and a  
git yur!


BERNARD KRAUS  
SARAH KRAUS  
113 CLYMER ST  
BRROKLYN NY 11211

8/22/17

171  
10931217

PAY to the order of ISRAEL ROTHBART \$ 9243<sup>00</sup>/<sub>100</sub>

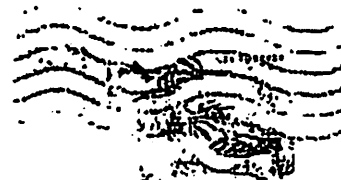
Nine thousand two hundred forty three 7/100th's

 www.jeffbank.com

For \_\_\_\_\_

⑆021909342⑆ 42 6053 8⑈ 0017⑆

LEVI KRAUS  
270 WALLABOUT ST 2B  
Brooklyn, NY 11236



ISRAEL ROTHBART  
118 CLYMER ST. 2-A  
Brooklyn, NY 11206



# McDermott Will & Emery

Boston Brussels Chicago Dallas Düsseldorf Frankfurt Houston London Los Angeles Miami  
Munich New York Orange County Paris Rome Seoul Silicon Valley Washington DC  
Strategic alliance with ASWE China Law Offices (Shanghai)

Ziva Robertson  
zrobertson@mwe.com  
+44 20 7577 3460

Our Ref: ZR/102452 0011

## LETTER BEFORE ACTION

Mr Morris Rothbart  
20 Warwick Grove  
London  
E5 9HU

25 August 2017

Dear Sir

Estate of the late Mr Janos Rothbart  
Our client: Mr Israel Rothbart

We are instructed by Mr Israel Rothbart, grandson of the late Mr Janos Rothbart who passed away on 3 June 2015.

We write this letter in accordance with the Practice Direction on Pre-Action Conduct and Protocols.

We understand you purport to act as executor of Mr Janos Rothbart's estate. We should be grateful for your confirmation together with a copy of the grant of probate and Mr Rothbart's last Will. If you are not the executor of Mr Rothbart's estate, please confirm who is. Despite our searches we have been unable to locate these documents at the Probate Registry. We should also be grateful for a copy of the estate accounts - whether interim or otherwise - together with confirmation that the inheritance tax has been paid in full.

We understand you informed our client that he was added as a beneficiary of Mr Rothbart's Will following his father's death in January 2001. As a consequence, he inherited what would have been his father's share of Mr Rothbart's estate.

*McDermott Will & Emery UK LLP is a limited liability partnership regulated by the Solicitors Regulation Authority and registered in England and Wales, registered number 06311909. The members are solicitors or registered foreign lawyers. A list of members' names and their professional qualifications is available for inspection at the principal place of business and registered office shown below.*

110 Bishopsgate London EC2N 4AY DX 131004 CDE Houndsditch Telephone +44 20 7577 6900 Facsimile: +44 20 7577 6950 [www.mwe.com](http://www.mwe.com)

DM CU 13447350-1 102452 0011

We further understand that, as beneficiary of his grandfather's estate, our client received from you certain cash payments from the estate, by way of interim distributions.

Our client has made efforts to obtain information through the Rabbinical Arbitration process but those efforts have been ignored and/or hindered by various family members. As a consequence our client received the authority of the Rabbinical Court to proceed in the English Courts.

Naturally, our client is concerned about the family's response to the Rabbinical Arbitration process and we find it remarkable that over two years have passed since Mr Rothbart's death and our client has received no information in relation to the estate information to which he is entitled as beneficiary. For the avoidance of doubt, our client is entitled to the following information:

- the assets of the estate and the proceeds from their sale, if any;
- an accounting of the assets of Janos Rothbart during the five years prior to his death, including the proceeds of any sale or transfer thereof;
- the liabilities of the estate at date of death and their repayment;
- liabilities arising from the death and paid out of the estate;
- income received after death from the assets held at the date of death; and
- distributions made to beneficiaries in accordance with the terms of the Will.

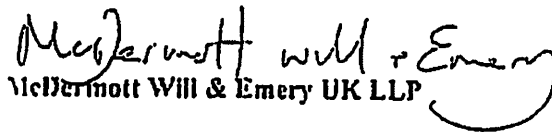
Please provide the above information by 14 days or explain why you are unable to do so.

Should you fail to respond by 14 days we are instructed to make an application for an inventory and account. We will seek the cost of that application from you.

Further, and absent any evidence from you that you have the power to administer Mr Rothbart's estate, our client also reserves the right to apply for letters of administration authorising him to administer his grandfather's estate in accordance with the rules of intestacy.

We are willing to meet with you in order to discuss how this matter can best be resolved without the Court's intervention. Should you wish to discuss this matter, please contact the writer, Ziva Robertson, whose details are set out above.

Yours faithfully

  
McDermott Will & Emery UK LLP

13 SEP 2017

RECEIVED

Morris Rothbart  
20 Warwick Grove  
London  
E5 9HU

Z Robertson  
MWE Solicitors  
110 Bishopsgate  
London EC2N 4AY

11/09/17

Dear Mrs Robertson

Re: Janos Rothbart – Deceased

I refer to your letter dated the 25<sup>th</sup> of August 2017, please note that the above named  
deceased intestate survived by his spouse and six surviving children.

Yours sincerely

  
Morris Rothbart

# McDermott Will & Emery

Boston Brussels Chicago Dallas Düsseldorf Frankfurt Houston London Los Angeles Miami  
New York Orange County Paris Rome Seoul Silicon Valley Washington DC  
Strategic alliances with M&E China Law Offices (Shanghai)

Ziva Robertson  
zrobertson@mwe.com  
+44 (0)20 7577 3460

Our Ref: ZR - 102452 0011

Mr Morris Rothbart  
20 Warwick Grove  
London  
E5 9HU

29 September 2017

Dear Sir

Estate of the late Mr Janos Rothbart  
Our client: Mr Israel Rothbart

Dear Sir

Thank you for your letter dated 11 September 2017.

In our letter of 25 August 2017 we asked you to confirm the following:

1. Whether a grant has been issued in respect of the estate of the late Mr Janos Rothbart;
2. Whether you are the executor named in his will (as you had indicated to our client);
3. To provide the information to which our client is entitled as a beneficiary (set out in 6 bullet points in our said letter); and
4. To confirm your willingness to meet and discuss this matter.

We understand from your letter under reply that the deceased left no will and that you are not a named executor. You did not answer questions 1, 3 and 4 above nor sought to explain why, in these circumstances, you represented to our client that you are the executor of the Deceased's estate, or the authority on which you made payments to him, ostensibly in respect of his inheritance.

Our client remains of the view that a collaborative approach to this matter is in the interest of all family members and is keen to avoid an escalation that would turn this matter into a dispute.

We should therefore be grateful to receive from you, no later than Tuesday, 17 October 2017, the answers to the outstanding questions as well as an explanation of the dealings you have had with or in respect of the estate.

*McDermott Will & Emery UK LLP is a limited liability partnership regulated by the Solicitors Regulation Authority and registered in England and Wales, registered number 00311909. The members are solicitors or registered foreign lawyers. A list of members' names and their professional qualifications is available for inspection at the principal place of business and registered office shown below.*

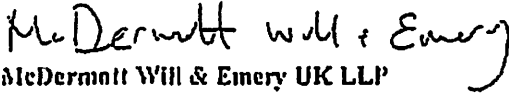
110 Bishopsgate London EC2N 4AY DX 121004 COE Houndsditch Telephone: +44 20 7577 6900 Facsimile: +44 20 7577 6950 [www.mwe.com](http://www.mwe.com)

DM\_LU 13594551-1 102452 0011

If we do not receive such explanations by that date, we are instructed by our client to take any steps deemed necessary or appropriate without further notice to you.

We look forward to hearing from you.

Yours faithfully

  
McDermott Will & Emery UK LLP

Case 1:19-cv-00066 Document 1-3 Filed 01/04/19 Page 21 of 77 PageID #: 44

M W E  
24 OCT 2017  
RECEIVED

Morris Rolhbarl  
20 Warwick Grove  
London  
E5 9HU

Z Robertson  
MWE Solicitors  
110 Bishopsgate  
London EC2N 4AY

23/10/17

Dear Madam

Re: Janos Rolhbarl - Deceased

I refer to your letter dated the 29<sup>th</sup> September 2017 where you rightly acknowledge that I am not a named executor of the deceased, therefore kindly refer all future correspondence to the spouse of the deceased - Mrs E Rolhbarl.

Yours sincerely

  
Morris Rolhbarl

# McDermott Will & Emery

Boston Brussels Chicago Dallas Düsseldorf Frankfurt Houston London Los Angeles Miami  
Milan Munich New York Orange County Paris Rome Seoul Silicon Valley Washington DC  
Strategic alliance with M&E China Law Offices (Shanghai)

Ziva Robertson  
zrobertson@mwe.com  
+44 20 7577 3490

Our Ref: ZR/102453 0011

Esther Rothbart  
18 Overlea Road  
Clapton Common  
London  
E5 6BG

7 November 2017

Dear Madam

Estate of the late Mr Janos Rothbart  
Our client: Mr Israel Rothbart

We are instructed by Mr Israel Rothbart in relation to the estate of his grandfather, Mr Janos Rothbart, who passed away on 3 June 2015.

We have been in contact with Mr Morris Rothbart in regard to his dealings with Mr Janos Rothbart's estate (the 'Estate'). Mr Morris Rothbart has purported to act as executor of your late husband's Estate and has made numerous cash payments from the Estate to our client, ostensibly by way of interim distributions.

After repeated requests for information and documentation to which our client is entitled as a beneficiary of the Estate, Mr Morris Rothbart advised us by way of a letter dated 23 October 2017 that all queries regarding the Estate should be addressed to you.

We are therefore writing to you as a matter of courtesy to let you know that we have been instructed by our client to take any steps necessary to ensure the proper administration of the Estate, including the issuing of legal proceedings for appropriate relief to ensure that the Estate is, and has been, properly administered.

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DM\_EU 1357945-3 102453 0011

Our client would very much prefer to avoid such proceedings and would welcome any suggestions as to alternative ways to resolve and progress this matter. If you wish to discuss such alternatives with us (which would necessarily include details about the Estate and any will (whether valid or otherwise) made by your late husband), please do not hesitate to contact the writer, Ziva Robertson, at the email or street address set out above.

Yours faithfully

*McDermott Will & Emery UK LLP*

McDermott Will & Emery UK LLP

Our ref: JHK/SJB/MIS16752 (ROTH)  
Your ref: ZR/103452.0011

Date: 17<sup>th</sup> November 2017

20 NOV 2017  
RECEIVED



City House 3 Cranwood Street London EC1V 9PE

FAO Z Robertson  
McDermott Will & Emery  
Solicitors  
DX 131004 CDE Houndsditch

T +44(0)20 7549 7888  
F +44(0)20 7549 7889  
W www.dkim.co.uk  
DX 36601 Finsbury

Dear Sirs

**ESTATE OF THE LATE MR JANOS ROTHBART**  
**OUR CLIENT: ESTHER ROTHBART**  
**YOUR CLIENT: ISRAEL ROTHBART**

We act for Mrs Rothbart and have been forwarded your letter dated 17<sup>th</sup> November 2017. We enclose a copy of the last will of our client's deceased husband, the contents of which are clear and unequivocal. Your client has no interest in the estate such that we await your confirmation that your client accepts he has no entitlement to the estate.

Our client's position is and remains fully reserved.

Yours faithfully

DKIM LLP  
E-mail: [j.kleinfeld@dkim.co.uk](mailto:j.kleinfeld@dkim.co.uk)



London Beijing Shanghai Changsha Guangzhou Jinan Shenzhen Suzhou Taipei Tianjin Wuhan Hong Kong Paris Lyon Berlin Hamburg Riyadh

DKIM LLP is a United Kingdom Partnership registered in England and Wales (reg no: 06551545) authorised and regulated by the Solicitors Regulation Authority of England and Wales. A list of the members and their professional qualifications is open to inspection at the registered office, 3 Cranwood Street London EC1V 9PE. We use the word "Partner" to refer to a member of DKIM LLP or an employee or consultant with equivalent status and qualifications.

In association with  
ZHONGHONGWANG LAW FIRM

A. Banks & Co.,  
61 Cheapside,  
London EC2V 6JS

JAMES ROTHBART

27  
2011

Dated . . . 1975

# This is the Last Will and Testament

of me JANOS ROTHBART of 18 Overlea Road, Clapton  
London E.5.

1. I HEREBY REVOKE all Wills and testamentary  
dispositions at anytime heretofore made by me.

2. I DEVISE AND BEQUEATH the whole of my  
estate both real and personal whatsoever and where-  
soever to my wife ESTHER ROTHBART and I appoint  
my said wife to be the sole Executrix and trustee  
of this my Will.

AS WITNESS my hand this                      day  
of                      One Thousand Nine Hundred  
and Seventy-five.

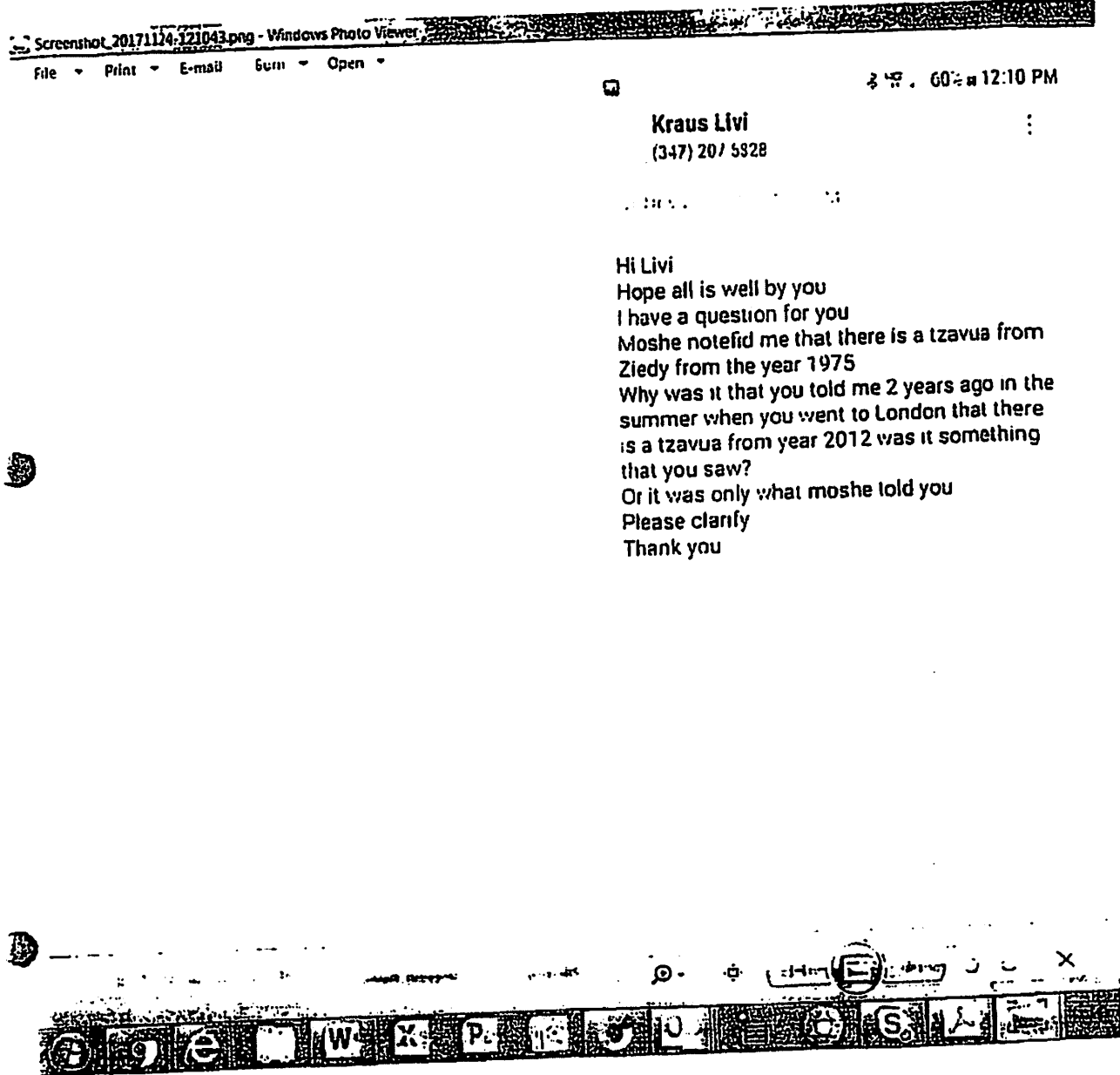
SIGNED by the above named JANOS  
ROTHBART as and for his last Will  
and testament in the presence of  
us both present together who at  
his request, in his presence and  
in the presence of each other have  
hereunto subscribed our names as  
witnesses -

*[Handwritten signature]*  
To Esther Rotbart  
London E.5.

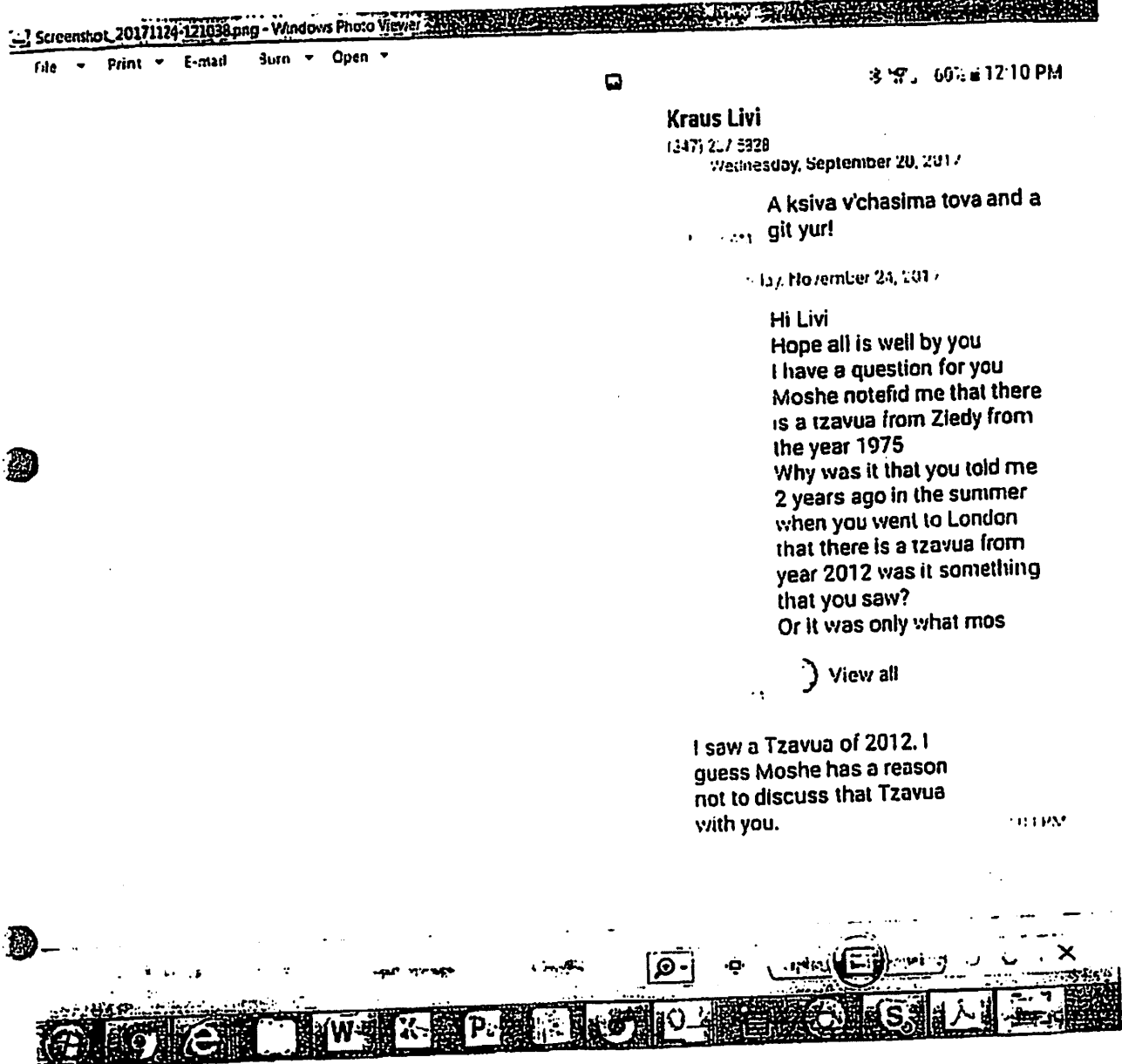
*[Handwritten signature]*

*[Handwritten signature]*  
ALEXANDER RD & GRIFFIN RD  
CON. DIRECTOR

Robertson, Ziva



Robertson, Ziva



**BEIS DIN TZEDEK**  
(Rabbinical Court)  
**ORCHOIS MISHPOT**  
148 Penn St.  
Brooklyn N.Y. 11211  
(718) 403-0160 Fax (718) 237-2497

**בית דין צדק**  
**אורחות משפט**  
**ברוקלין ניו-יארק**

**SUMMONS****הזמנה**

בס"ד

First Second Third

ראשונה שני שלישית

To (Defendant(s) \_\_\_\_\_ **לכבוד (הנתבעת/ים) ארת אסתר ראטבארט תח"י**  
Address \_\_\_\_\_ **18 Overlea Rd. הכתובת**  
City \_\_\_\_\_ **London, E5 6BG ENGLAND עיר**  
Tel (home) \_\_\_\_\_ **מסי הטעלפאן (בבית)**  
Tel (business\work) \_\_\_\_\_ **מסי הטעלפאן (במסחר/בעבודה)**  
Fax # \_\_\_\_\_ **מסי הפעקס**

At the request of (plaintiff(s) \_\_\_\_\_ **לבקשת (התובע/ת/ים) ר' ישראל אפרית פישל ראטבארט הי"ו**  
Address \_\_\_\_\_ **119 Lorimer St. #2-A הכתובת**  
City \_\_\_\_\_ **Brooklyn, NY 11206 עיר**  
Tel (home) \_\_\_\_\_ **מסי הטעלפאן (בבית)**  
Tel (business\work) \_\_\_\_\_ **מסי הטעלפאן (במסחר/בעבודה)**  
Fax # \_\_\_\_\_ **מסי הפעקס**

**הננו מזמינים את כב' לזין תורה: עבור עזבון של המנוח ר' חיים יונה ראטבארט ע"ה**  
**חדיית נקבע ליום ג' אח"ק הבעליט, ו' אייר**  
**תשע"ז, ועליכם לאשר הזמן עם הבי"ד**  
**תומ"י.**  
**וכמו"כ התובע מוכן להתדיין בבי"ד של**  
**זבליא וכו'.**

וע"ז באעה"ח יום שני פרשת ויקרא שנת תשע"ז

חותם בית הדין  
  
חיים עהרנטאל - מזכיר

☐ מצורף כזה הערה ☐ התובע יכול עם טוען

Informal translation

Beis Din Tzedek (Rabbinical Court)  
Orchois Mishpot  
148 Penn St  
Brooklyn N.Y 11211  
(718) 403-0160 Fax (718) 237-2497

**SUMMONS**

First Second Third

To Defendant(s)

Mrs Esther Rothbart

Address

18 Overlea Rd.

City

London E5 6BG ENGLAND

Tel (Home)

Tel (Business/work)

Fax #

At the request of (plaintiff(s)

Israel Ephraim Fischl Rothbart

Address

119 Lorimer St. #2-A

City

Brooklyn, NY 11206

Tel (Home)

Tel (Business/work)

Fax #

We hereby summon you to Din Torah [Rabbinic Justice] regarding the estate of the late Chaim Jonah Rothbart RIP

The hearing will take place on Tuesday, [2 May 2017], and you must confirm the time with the court.

In addition, the plaintiff is willing to submit to Rabbinical arbitration etc.

Signed Monday. [3 April 2017]

Chaim Aharenthal – Secretary

לאורם הם אחת אבות ☐ ולאט נזר ללא ☐

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LEAD, CUBIC AND QUARTZ CRYSTAL AC

LELELE

LEADERS' WORKING GROUPS WILL BE

ללא ו' א"ת אצט לא"ט ו' סוף אצט לא"ט

[illegible]

At the request of (plaintiff(s))	לבקשת (התובע/תובעים) י"א ז"ל
Address	119 Lorimer St. #2-A
City	Brooklyn, NY 11206
Tel (home)	
Tel (business/work)	
Fax #	
	דואר

To (Defendant(s))		לפני (הנתבעת/ת) / ר' אביאל קרן
Address	58 Maresby Rd.	רחוב מרסבי 58
City	London, E6 9LF ENGLAND	לונדון
Tel (home)		טל ביתי
Tel (business/work)		טל עבודה (עסק)
Fax #		פקס

**First Second Third**

## SNOWMANS

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(718) 403-0160 Fax (718) 237-2497

Brooklyn N.Y. 11211

148 Penn St.

**ORCHOIS MISHPOT**

(Rabbinical Court)

BEIS DIN TZEDEK  
(Rabbinical Court)

במלכות ישראל

# NILUIS RAGA

546654

Informal translation

Beis Din Tzedek (Rabbinical Court)  
Orchois Mishpor  
148 Penn St  
Brooklyn N.Y 11211  
(718) 403-0160 Fax (718) 237-2497

SUMMONS

First Second Third

To Defendant(s)	Mr Joseph Rothbart
Address	58 Moresby Rd.
City	London E5 9LF ENGLAND
Tel (Home)	
Tel (Business/work)	
Fax #	
At the request of (plaintiff(s))	Israel Ephraim Fischl Rothbart
Address	119 Lorimer St. #2-A
City	Brooklyn, NY 11206
Tel (Home)	
Tel (Business/work)	
Fax #	

We hereby summon you to Din Torah [Rabbinic Justice] regarding the estate of the late Chaim Jonah Rothbart RIP

The hearing will take place on Tuesday, [2 May 2017], and you must confirm the time with the court.

In addition, the plaintiff is willing to submit to Rabbinical arbitration etc.

Signed Monday. [3 April 2017]  
Chaim Aharenthal - Secretary

**BEIS DIN TZEDEK**  
(Rabbinical Court)

**ORCHOIS MISHPOT**

148 Penn St.

Brooklyn N.Y. 11211

(718) 403-0160 Fax (718) 237-2497

בית דין צדק

אורחות משפט

ברוקלין ניו-יארק

**SUMMONS**

First Second Third

**הזמנה**

בס"ד

ראשונה שני שלישית

To (Defendant(s) \_\_\_\_\_ לכבוד (הנתבעת/ים) ר' דוד ראטבארט הי"ו  
Address \_\_\_\_\_ 24 Jessam Ave. הכתובת  
City \_\_\_\_\_ London, E5 9DU ENGLAND עיר  
Tel (home) \_\_\_\_\_ מסי הטעלעפאן (בבית)  
Tel (business\work) \_\_\_\_\_ מסי הטעלעפאן (במסחר/בעבודה)  
Fax # \_\_\_\_\_ מסי הפעקס

At the request of (plaintiff(s) \_\_\_\_\_ לבקשת (התובעת/ים) ר' ישראל אפרים פישל ראטבארט הי"ו  
Address \_\_\_\_\_ 119 Lorimer St. #2-A הכתובת  
City \_\_\_\_\_ Brooklyn, NY 11206 עיר  
Tel (home) \_\_\_\_\_ מסי הטעלעפאן (בבית)  
Tel (business\work) \_\_\_\_\_ מסי הטעלעפאן (במסחר/בעבודה)  
Fax # \_\_\_\_\_ מסי הפעקס

הננו מזמינים את כב' לדין תורה: עבור עזבון של המנות ר' חיים יונה ראטבארט ע"ה  
הדייט נקבע ליום ג' אחי"ק הבעלי"ט, ו' אייר  
תשע"ז, ועליכם לאשר הזמן עם הבי"ד  
תומ"י.  
וכמ"כ התובע מוכן להתדיין בבי"ד של  
זבלי"א וכו'.

וע"ז באעה"ח יום \_\_\_\_\_ ש' \_\_\_\_\_ פרשת \_\_\_\_\_ ויקרא \_\_\_\_\_ שנת \_\_\_\_\_ תשע"ז

התורם בשם המזכיר

☐ מצורף בזה הערה ☐ התובע יבוא עם טוען

חיים עהרנטאל - מזכיר

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Beis Din Tzedek (Rabbinical Court)  
Orchois Mishpor  
148 Penn St  
Brooklyn N.Y 11211  
(718) 403-0160 Fax (718) 237-2497

SUMMONS

First Second Third

To Defendant(s)	Mr David Rothbart
Address	24 Jessam Rd.
City	London E5 9DU ENGLAND
Tel (Home)	
Tel (Business/work)	
Fax #	
At the request of (plaintiff(s))	Israel Ephraim Fischl Rothbart
Address	119 Lorimer St. #2-A
City	Brooklyn, NY 11206
Tel (Home)	
Tel (Business/work)	
Fax #	

We hereby summon you to Din Torah [Rabbinic Justice] regarding the estate of the late Chaim Jonah Rothbart RIP

The hearing will take place on Tuesday, [2 May 2017], and you must confirm the time with the court.

In addition, the plaintiff is willing to submit to Rabbinical arbitration etc.

Signed Monday, [3 April 2017]  
Chaim Aharenthal - Secretary

**BEIS DIN TZEDEK**  
(Rabbinical Court)

**ORCHOIS MISHPOT**

148 Penn St.

Brooklyn N.Y. 11211

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אורחות משפט

ברוקלין ניו-יארק

# SUMMONS

First Second Third

## הזמנה

בסייד

ראשונה שני שלישי

To (Defendant(s) \_\_\_\_\_ לכבוד (הנתבע/ת/ים) ר' לוי צבי ראטבארט הי"ד  
Address \_\_\_\_\_ 18 Rookwood Rd. הכתובת  
City \_\_\_\_\_ London, N16 6SS ENGLAND עיר  
Tel (home) \_\_\_\_\_ מסי הטעלפון (בבית)  
Tel (business/work) \_\_\_\_\_ מסי הטעלפון (במסחר/בעבודה)  
Fax # \_\_\_\_\_ מסי הפקס

At the request of (plaintiff(s) \_\_\_\_\_ לבקשת (התובע/ת/ים) ר' ישראל אפרים פישל ראטבארט הי"ד  
Address \_\_\_\_\_ 119 Lorimer St. #2-A הכתובת  
City \_\_\_\_\_ Brooklyn, NY 11206 עיר  
Tel (home) \_\_\_\_\_ מסי הטעלפון (בבית)  
Tel (business/work) \_\_\_\_\_ מסי הטעלפון (במסחר/בעבודה)  
Fax # \_\_\_\_\_ מסי הפקס

הננו מזמינים את כב' לדין תורה: עבור עזבון של המנוח ר' חיים יונה ראטבארט ע"ה  
הדייט נקבע ליום ג' אח"ק הבע"ט, ו' אייר  
תשע"ז, ועליכם לאשר הזמן עם הדייט  
תנמיין.  
וכמו"כ התובע מוכן להתדיין בדייט של  
זבליא וכ"י.

וע"ז באעה"ח יום \_\_\_\_\_ שני פרשת ויקרא שנת תשע"ז

החותם בשם חב"ד



חיים עהרנטאל - מזכ"ר

☐ מצורף בזה הערה ☐ התובע יבוא עם טוען

Informal translation

Beis Din Tzedek (Rabbinical Court)  
Orchois Mishpot  
148 Penn St  
Brooklyn N.Y 11211  
(718) 403-0160 Fax (718) 237-2497

SUMMONS

First Second Third

To Defendant(s)	Mr Levi Zvi Rothbart
Address	18 Rookwood Rd.
City	London N16 6SS ENGLAND
Tel (Home)	
Tel (Business/work)	
Fax #	
At the request of (plaintiff(s))	Israel Ephraim Fischl Rothbart
Address	119 Lorimer St. #2-A
City	Brooklyn, NY 11206
Tel (Home)	
Tel (Business/work)	
Fax #	

We hereby summon you to Din Torah [Rabbinic Justice] regarding the estate of the late Chaim Jonah Rothbart RIP

The hearing will take place on Tuesday, [2 May 2017], and you must confirm the time with the court.

In addition, the plaintiff is willing to submit to Rabbinical arbitration etc.

Signed Monday, [3 April 2017]  
Chaim Aharenthal - Secretary

**BEIS DIN TZEDEK**  
(Rabbinical Court)

**ORCHOIS MISHPOT**

148 Penn St.

Brooklyn N.Y. 11211

(718) 403-0160 Fax (718) 237-2497

בית דין צדק

אורחות משפט

ברוקלין ניו-יארק

**SUMMONS**

First Second Third

**הזמנה**

בס"ד

ראשונה שני שלישית

To (Defendant(s) לכבוד (הנתבעת/ים) ר' אברהם ישעי ראטבארט הי"ו  
Address 47 Watermint Quay Craven Walk הכתובת  
City London, N16 6DN ENGLAND עיר  
Tel (home) מס' הטלעפון (בבית)  
Tel (business/work) מס' הטלעפון (במסחר/בעבודה)  
Fax # מס' הפקס

At the request of (plaintiff(s) לבקשת (התובעת/ים) ר' ישראל אפרים פישל ראטבארט הי"ו  
Address 119 Lorimer St. #2-A הכתובת  
City Brooklyn, NY 11206 עיר  
Tel (home) מס' הטלעפון (בבית)  
Tel (business/work) מס' הטלעפון (במסחר/בעבודה)  
Fax # מס' הפקס

הננו מזמינים את כב' לדין תורה: עבור עזבון של הננוח ר' חיים יונה ראטבארט ע"ה  
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תשע"ז, ועליכם לאשר הזמן עם הבייד  
תומי"י.  
וכמו"כ התובע מוכן להתדיין בבייד של  
זבלי"א וכו'.

וע"ז באעה"ח יום שני פרשת ויקרא שנת תשע"ז

החותם של המייד  


חיים עהרנטאל - מזכיר

☐ מצורף בזה הערה ☐ התובע יבוא עם טוען

Informal translation

Beis Din Tzedek (Rabbinical Court)  
Orchois Mishpot  
148 Penn St  
Brooklyn N.Y 11211  
(718) 403-0160 Fax (718) 237-2497

SUMMONS

First Second Third

To Defendant(s)	Mr Abraham Yishai Rothbart
Address	47 Watermint Quay Craven Walk
City	London N16 6DN 9DU ENGLAND
Tel (Home)	
Tel (Business/work)	
Fax #	
At the request of (plaintiff(s))	Israel Ephraim Fischl Rothbart
Address	119 Lorimer St. #2-A
City	Brooklyn, NY 11206
Tel (Home)	
Tel (Business/work)	
Fax #	

We hereby summon you to Din Torah [Rabbinic Justice] regarding the estate of the late Chaim Jonah Rothbart RIP

The hearing will take place on Tuesday, [2 May 2017], and you must confirm the time with the court.

In addition, the plaintiff is willing to submit to Rabbinical arbitration etc.

Signed Monday, [3 April 2017]  
Chaim Aharenthal - Secretary

**BEIS DIN TZEDEK**  
(Rabbinical Court)

**ORCHOIS MISHPOT**

148 Penn St.

Brooklyn N.Y. 11211

(718) 403-0160 Fax (718) 237-2497

בית דין צדק

אורחות משפט

ברוקלין ניו-יארק

**SUMMONS**

First Second Third

**הזמנה**

בס"ד

ראשונה שני שלישית

To (Defendant(s) \_\_\_\_\_ לכבוד (הנתבע/ת/ים) ר' אשה ראטבארט הי"ד  
Address \_\_\_\_\_ 20 Warwick Grove \_\_\_\_\_ הכתובת  
City \_\_\_\_\_ London, E5 9HU ENGLAND \_\_\_\_\_ עיר  
Tel (home) \_\_\_\_\_ מס' הטלעפון (בבית)  
Tel (business/work) \_\_\_\_\_ מס' הטלעפון (במסחר/בעבודה)  
Fax # \_\_\_\_\_ מס' הפקס

At the request of (plaintiff(s) \_\_\_\_\_ לבקשת (התובע/ת/ים) ר' ישראל אפרים פישל ראטבארט הי"ד  
Address \_\_\_\_\_ 119 Lorimer St. #2-A \_\_\_\_\_ הכתובת  
City \_\_\_\_\_ Brooklyn, NY 11206 \_\_\_\_\_ עיר  
Tel (home) \_\_\_\_\_ מס' הטלעפון (בבית)  
Tel (business/work) \_\_\_\_\_ מס' הטלעפון (במסחר/בעבודה)  
Fax # \_\_\_\_\_ מס' הפקס

הננו מזמינים את כב' לדין תורה: עבור עזבון של המנוח ר' חיים יונה ראטבארט ע"ה  
הדייט נקבע ליום ג' אחי"ק הבעלי"ט, ו' אייר  
תשע"ז, ועליכם לאשר הזמן עם הדייט  
תזמין.  
וכמו"כ התובע מוכן להתדיין בבי"ד של  
זבליא וכו'.

וע"ז באעה"ח יום \_\_\_\_\_ ש' \_\_\_\_\_ פרשת \_\_\_\_\_ ויקרא \_\_\_\_\_ שנת \_\_\_\_\_ תשע"ז

החותם פשט חתום  
חיים עהרנטאל - מזכיר

☐ מצורף בזה הערה ☐ התובע יבוא עם טוען

Informal translation

Beis Din Tzedek (Rabbinical Court)  
Orchois Mishpot  
148 Penn St  
Brooklyn N.Y 11211  
(718) 403-0160 Fax (718) 237-2497

SUMMONS

First Second Third

To Defendant(s)	Mr Moshe Rothbart
Address	20 Warwick Grove
City	London E5 9HU ENGLAND
Tel (Home)	
Tel (Business/work)	
Fax #	
At the request of (plaintiff(s))	Israel Ephraim Fischl Rothbart
Address	119 Lorimer St. #2-A
City	Brooklyn, NY 11206
Tel (Home)	
Tel (Business/work)	
Fax #	

We hereby summon you to Din Torah [Rabbinic Justice] regarding the estate of the late Chaim Jonah Rothbart RIP

The hearing will take place on Tuesday, [2 May 2017], and you must confirm the time with the court.

In addition, the plaintiff is willing to submit to Rabbinical arbitration etc.

Signed Monday, [3 April 2017]  
Chaim Aharenthal - Secretary

**BEIS DIN TZEDEK**  
(Rabbinical Court)

**ORCHOIS MISHPOT**

148 Penn St.

Brooklyn N.Y. 11211

(718) 403-0160 Fax (718) 237-2497

בית דין צדק

אורחות משפט

ברוקלין ניו-יארק

**SUMMONS**

First Second Third

**הזמנה**

בסייד

ראשונה שני שלישית

To (Defendant(s) \_\_\_\_\_ לכבוד (הנתבע/ת/ים) ר' יצחק ראטבארט הי"ד  
Address \_\_\_\_\_ 7 Elm Park Ave. הכתובת  
City \_\_\_\_\_ London, N15 6AL ENGLAND עיר  
Tel (home) \_\_\_\_\_ מסי הטעלעפאן (בבית)  
Tel (business/work) \_\_\_\_\_ מסי הטעלעפאן (במסחר/בעבודה)  
Fax # \_\_\_\_\_ מסי הפעקס

At the request of (plaintiff(s) \_\_\_\_\_ לבקשת (התובע/ת/ים) ר' ישראל אפרית פישל ראטבארט הי"ד  
Address \_\_\_\_\_ 119 Lorimer St. #2-A הכתובת  
City \_\_\_\_\_ Brooklyn, NY 11206 עיר  
Tel (home) \_\_\_\_\_ מסי הטעלעפאן (בבית)  
Tel (business/work) \_\_\_\_\_ מסי הטעלעפאן (במסחר/בעבודה)  
Fax # \_\_\_\_\_ מסי הפעקס

הננו מזמינים את כבי לדין תורה: עבור עזבון של המנוח ר' חיים יונה ראטבארט ע"ה  
הדייט נקבע ליום ג' אח"ק הבעליט, ו' אייר  
תשע"ז, ועליכם לאשר הזמן עם הבייד  
תומי.  
וכמו"כ התובע מוכן להתדיין בבייד של  
זבליא וכו'.

וע"ז באעה"ח יום שני פרשת ויקרא שנת תשע"ז



חיים עהרנטאל - מזכיר

☐ מצורף בזה הערה ☐ התובע יבוא עם טוען

Informal translation

Beis Din Tzedek (Rabbinical Court)  
Orchois Mishpot  
148 Penn St  
Brooklyn N.Y 11211  
(718) 403-0160 Fax (718) 237-2497

SUMMONS

First Second Third

To Defendant(s)	Mr Isaac Rothbart
Address	7 Elm Park Ave.
City	London N15 6AL ENGLAND
Tel (Home)	
Tel (Business/work)	
Fax #	
At the request of (plaintiff(s))	Israel Ephraim Fischl Rothbart
Address	119 Lorimer St. #2-A
City	Brooklyn, NY 11206
Tel (Home)	
Tel (Business/work)	
Fax #	

We hereby summon you to Din Torah [Rabbinic Justice] regarding the estate of the late Chaim Jonah Rothbart RIP

The hearing will take place on Wednesday, [2 May 2017], and you must confirm the time with the court.

In addition, the plaintiff is willing to submit to Rabbinical arbitration etc.

Signed Monday, [3 April 2017]  
Chaim Aharenthal - Secretary

**BEIS DIN TZEDEK**  
(Rabbinical Court)  
**ORCHOIS MISHPOT**  
348 Penn St.  
Brooklyn N.Y. 11211  
(718) 403-0160 Fax (718) 237-2497

בית דין צדק  
אורחות משפט  
ברוקלין ניו-יארק

**SUMMONS****הזמנה**

בס"ד

First Second Third

ראשונה (שני) שלישית

To (Defendant(s) לכבוד (התובע/ת/ים) מרת אסתר ראטבארט תחי'  
Address 18 Overlea Rd. הכתובת  
City London, E5 6BG ENGLAND עיר  
Tel (home) \_\_\_\_\_ מסי הטעלפון (בבית)  
Tel (business/work) \_\_\_\_\_ מסי הטעלפון (במסחר/בעבודה)  
Fax # \_\_\_\_\_ מסי הפקס

At the request of (plaintiff(s) לבקשת (התובע/ת/ים) ר' ישראל אפרת פישל ראטבארט הי"ד  
Address 119 Lorimer St. #2-A הכתובת  
City Brooklyn, NY 11206 עיר  
Tel (home) \_\_\_\_\_ מסי הטעלפון (בבית)  
Tel (business/work) \_\_\_\_\_ מסי הטעלפון (במסחר/בעבודה)  
Fax # \_\_\_\_\_ מסי הפקס

הננו מזמינים את כבי' לדין תורה: עבור עזבון של המנוח ר' חיים יונה ראטבארט ע"ה  
הדיי'ת נקבע ליום די' בחיי'ב הבעלי'ט, כ"א  
אייר תשע"ז, ועליכם לאשר הזמן עם הדיי'ת  
תומי'י  
וכמוי'כ התובע מוכן להתדיין בדיי'ת של  
זבלי'א וכו'

ועי'ז באער י' יום רבי'זי פרשת אחיק שנת תשפ"ז

החותם בשם הדיי'ת

  
חיים עהרנסט מונטו

☐ מצורף בזה הערה ☐ התובע יבוא עם טוען

Informal translation

Beis Din Tzedek (Rabbinical Court)  
Orchois Mishpot  
148 Penn St  
Brooklyn N.Y 11211  
(718) 403-0160 Fax (718) 237-2497

SUMMONS

First Second Third

To Defendant(s)

Mrs Esther Rothbart

Address

18 Overleu Rd.

City

London E5 6BG ENGLAND

Tel (Home)

Tel (Business/work)

Fax #

At the request of (plaintiff(s))

Israel Ephraim Fischl Rothbart

Address

119 Lorimer St. #2-A

City

Brooklyn, NY 11206

Tel (Home)

Tel (Business/work)

Fax #

We hereby summon you to Din Torah [Rabbinic Justice] regarding the estate of the late Chaim Jonah Rothbart RIP

The hearing will take place on Wednesday, [17 May 2017], and you must confirm the time with the court.

In addition, the plaintiff is willing to submit to Rabbinical arbitration etc.

Signed Wednesday, [10 May 2017]

Chaim Aharenthal – Secretary

**BEIS DIN TZEDEK**  
(Rabbinical Court)  
**ORCHOIS MISHPAT**  
148 Penn St.  
Brooklyn N.Y. 11211  
(718) 403-0160 Fax (718) 237-2497

**בית דין צדק**  
**אורחות משפט**  
**ברוקלין ניו-יארק**

**SUMMONS****הזמנה**

בס"ד

First Second Third

ראשונה (שני) שלישית

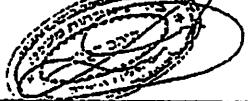
To (Defendant(s) לכבוד (הנתבעת/ים) רייסל ראטבארט הי"ו  
Address 58 Maresby Rd. הכתובת  
City London, E5 9LF ENGLAND עיר  
Tel (home) \_\_\_\_\_ נוס' הטלעפון (בבית)  
Tel (business work) \_\_\_\_\_ נוס' הטלעפון (בנוסח/בעבודה)  
Fax # \_\_\_\_\_ נוס' הפקס

At the request of (plaintiff(s) לבקשת (התובע/ת/ים) רייסל אפרית פישל ראטבארט הי"ו  
Address 119 Lorimer St. #2-A הכתובת  
City Brooklyn, NY 11206 עיר  
Tel (home) \_\_\_\_\_ נוס' הטלעפון (בבית)  
Tel (business work) \_\_\_\_\_ נוס' הטלעפון (בנוסח/בעבודה)  
Fax # \_\_\_\_\_ נוס' הפקס

הננו מזמינים את כבי לדין תורה: עבור עזבון של המנוח ר' חיים יונת ראטבארט ע"ה  
הדייט נקבע ליום ד' כה"ב הבעל"ט. כ"א  
אייר תשע"ז, ועליכם לאשר הזמן עם הדיין  
תוניי  
וכנז"כ התובע מוכן להתדיין בדיין יול  
זבליא וכו'

וע"ז באעה"ה יום דב"ה פרשת אחיק שנו תשע"ז

החותם באג בדיין



חיים עדרנטאל - מזכיר

☐ מצורף כזה הערה ☐ התובע יבוא עם טוען

Informal translation

Beis Din Tzedek (Rabbinical Court)  
Orchois Mishpot  
148 Penn St  
Brooklyn N.Y 11211  
(718) 403-0160 Fax (718) 237-2497

SUMMONS

First Second Third

To Defendant(s)	Mr Joseph Rothbart
Address	58 Moresby Rd.
City	London E5 9LF ENGLAND
Tel (Home)	
Tel (Business/work)	
Fax #	
At the request of (plaintiff(s))	Israel Ephraim Fischl Rothbart
Address	119 Lorimer St. #2-A
City	Brooklyn, NY 11206
Tel (Home)	
Tel (Business/work)	
Fax #	

We hereby summon you to Din Torah [Rabbinic Justice] regarding the estate of the late Chaim Jonah Rothbart RIP

The hearing will take place on Wednesday, [17 May 2017]. and you must confirm the time with the court.

In addition, the plaintiff is willing to submit to Rabbinical arbitration etc.

Signed Wednesday. [10 May 2017]  
Chaim Aharenthal – Secretary

**BEIS DIN TZEDEK**  
(Rabbinical Court)

**ORCHOIS MISHPAT**

1-18 Penn St.

Brooklyn N.Y. 11211

(718) 403-0160 Fax (718) 237-2497

בית דין צדק

אורחות משפט

ברוקלין ניו-יארק

**SUMMONS**

First Second Third

**הזמנה**

בסייד

ראשונה (שני) שלישית

To (Defendant(s) \_\_\_\_\_ לכבוד (הנתבע/תמים) רי דוד ראטבארט היי  
Address \_\_\_\_\_ הכתובת 24 Jessam Ave.  
City \_\_\_\_\_ עיר London, E5 9DU ENGLAND  
Tel (home) \_\_\_\_\_ מסי הטלעפון (בבית)  
Tel (business work) \_\_\_\_\_ מסי הטלעפון (במסחר/בעבודה)  
Fax # \_\_\_\_\_ מסי הפקס

At the request of (plaintiff(s) \_\_\_\_\_ לבקשת (התובע/תמים) רי ישרא אפרים פיה ראטבארט היי  
Address \_\_\_\_\_ הכתובת 119 Lorimer St. #2-A  
City \_\_\_\_\_ עיר Brooklyn, NY 11206  
Tel (home) \_\_\_\_\_ מסי הטלעפון (בבית)  
Tel (business work) \_\_\_\_\_ מסי הטלעפון (במסחר/בעבודה)  
Fax # \_\_\_\_\_ מסי הפקס

הננו מזמינים את כבי לדין תורה: עבור עזובן של המנוח ר' חיים יונה ראטבארט ע"ה  
הדיית נקבע ליום ר' בה"ב הבעליט. כ"א  
אייר תשע"ז. ועליכם לאשר הזמן עם הבייד  
תומי  
וכמיו"כ החובע מוכן ירתדיין בב"ד י"י  
זבליא וכו

וע"ז באעה"ח יום דכ"ט פרשת אחיק שנת תשע"ז

חוקים וסמל  
החוקים וסמל

☐ מצורף בזה הערה ☐ החובע יבוא עם טוען

חיים עהרנטאל - מזכיר

Informal translation

Beis Din Tzedek (Rabbinical Court)  
Orchois Mishpot  
148 Penn St  
Brooklyn N.Y 11211  
(718) 403-0160 Fax (718) 237-2497

SUMMONS

First Second Third

To Defendant(s)

Mr David Rothbart

Address

24 Jessam Rd.

City

London E5 9DU ENGLAND

Tel (Home)

Tel (Business/work)

Fax #

At the request of (plaintiff(s))

Israel Ephraim Fischl Rothbart

Address

119 Lorimer St. #2-A

City

Brooklyn, NY 11206

Tel (Home)

Tel (Business/work)

Fax #

We hereby summon you to Din Torah [Rabbinic Justice] regarding the estate of the late Chaim Jonah Rothbart RIP

The hearing will take place on Wednesday, [17 May 2017], and you must confirm the time with the court.

In addition, the plaintiff is willing to submit to Rabbinical arbitration etc.

Signed Wednesday, [10 May 2017]

Chaim Aharenthal – Secretary

**BEIS DIN TZEDEK**  
(Rabbinical Court)  
**ORCHOIS MISHPAT**  
148 Penn St.  
Brooklyn N.Y. 11211  
(718) 403-0160 Fax (718) 237-2497

**בית דין צדק**  
**אורחות משפט**  
**ברוקלין ניו-יארק**

**SUMMONS****הזמנה**

בס"ד

First Second Third

ראשונה (שני) שלישית

In (Defendant(s) לכבוד (התובע/ת/ים) ר' לוי זבי ראטבארט הי"ד

Address 18 Rookwood Rd. הכתובת

City London, N16 8SS ENGLAND עיר

Tel (home) \_\_\_\_\_ מסי הטלעפון (בבית)

Tel (business/work) \_\_\_\_\_ מסי הטלעפון (במסחר/בעבודה)

Fax # \_\_\_\_\_ מסי הפקס

At the request of (plaintiff(s) לבקשת (התובע/ת/ים) ר' ישראל אפרים פישל ראטבארט הי"ד

Address 119 Lorimer St. #2-A הכתובת

City Brooklyn, NY 11206 עיר


Tel (home) \_\_\_\_\_ מסי הטלעפון (בבית)

Tel (business/work) \_\_\_\_\_ מסי הטלעפון (במסחר/בעבודה)

Fax # \_\_\_\_\_ מסי הפקס

הננו מזמינים את כב' לדין תורה: עבור עזבונו של המנוח ר' חיים יונה ראטבארט ע"ה  
הדייט נקבע ליום ד' כה"ב הבע"ט, כ"א  
אייר תשע"ז, ועליכם לאשר הזמן עם הדיין  
תומ"י  
וכמז"כ התובע מוכן להתדין בדין של  
ובלי"א וכו'.

וע"ז באעה"ח יום דכ"ט כרשת אח"כ שנת תשע"ז



חיים עהרנטאל - מזכיר

☐ מצורף בזה הערה ☐ התובע יכול עם טעו

Informal translation

Beis Din Tzedek (Rabbinical Court)  
Orchois Mishpot  
148 Penn St  
Brooklyn N.Y 11211  
(718) 403-0160 Fax (718) 237-2497

SUMMONS

First Second Third

To Defendant(s)

Mr Levi Zvi Rothbart

Address

18 Rookwood Rd.

City

London N16 6SS ENGLAND

Tel (Home)

Tel (Business/work)

Fax #

At the request of (plaintiff(s))

Israel Ephraim Fischl Rothbart

Address

119 Lorimer St. #2-A

City

Brooklyn, NY 11206

Tel (Home)

Tel (Business/work)

Fax #

We hereby summon you to Din Torah [Rabbinic Justice] regarding the estate of the late Chaim Jonah Rothbart RIP

The hearing will take place on Wednesday, [17 May 2017], and you must confirm the time with the court.

In addition, the plaintiff is willing to submit to Rabbinical arbitration etc.

Signed Wednesday, [10 May 2017]

Chaim Aharenthal – Secretary

**BEIS DIN TZEDEK**  
(Rabbinical Court)  
**ORCHOIS MISHPOT**  
148 Penn St.  
Brooklyn N.Y. 11211  
(718) 403-0160 Fax (718) 237-2497

בית דין צדק  
אורחות משפט  
ברוקלין ניו-יארק

# SUMMONS

הזמנה

בס"ד

First Second Third

ראשונה (שני) שלישית

To (Defendant(s) לכבוד (הנתבעת/ים) ר' אברהם יעקב ראטבארט הי"ד  
Address 47 Watermint Quay Craven Walk הכתובת  
City London, N16 6DN ENGLAND עיר  
Tel (home) \_\_\_\_\_ מסי הטעלפון (בבית)  
Tel (business/work) \_\_\_\_\_ מסי הטעלפון (במסחר/בעבודה)  
Fax # \_\_\_\_\_ מסי הפקס

At the request of (plaintiff(s) לבקשת (התובעת/ים) ר' ישראל אפרים פישל ראטבארט הי"ד  
Address 119 Lorimer St. #2-A הכתובת  
City Brooklyn, NY 11206 עיר  
Tel (home) \_\_\_\_\_ מסי הטעלפון (בבית)  
Tel (business/work) \_\_\_\_\_ מסי הטעלפון (במסחר/בעבודה)  
Fax # \_\_\_\_\_ מסי הפקס

הננו מזמינים את כב' לדין תורה: עבור עזבונו של המנוח ר' חיים יונה ראטבארט ע"ה  
הדייט נקבע ליום ד' כ"ח שבט ה'תשע"ט, כ"ח  
איר תשע"ט, ועליכם לאשר הזמן עם הדיין  
תוגנ"י  
וכנ"ל החובע מוכן להתדיין בדין י  
ובלי"א וכו'

וע"ז באעה"ח יום ד' כ"ח פרשת אחיק שנת תשע"ט

החוקם  
חיים יערהנטאל - מוכיח

☐ מצורף בזה הערה ☐ התובע יבוא עם טוען

Informal translation

Beis Din Tzedek (Rabbinical Court)  
Orchois Mishpot  
148 Penn St  
Brooklyn N.Y 11211  
(718) 403-0160 Fax (718) 237-2497

SUMMONS

First Second Third

To Defendant(s)

Mr Abraham Yishai Rothbart

Address

47 Watermint Quay Craven Walk

City

London N16 6DN 9DU ENGLAND

Tel (Home)

Tel (Business/work)

Fax #

At the request of (plaintiff(s)

Israel Ephraim Fischl Rothbart

Address

119 Lorimer St. #2-A

City

Brooklyn, NY 11206

Tel (Home)

Tel (Business/work)

Fax #

We hereby summon you to Din Torah [Rabbinic Justice] regarding the estate of the late Chaim Jonah Rothbart RIP

The hearing will take place on Wednesday, [17 May 2017], and you must confirm the time with the court.

In addition, the plaintiff is willing to submit to Rabbinical arbitration etc.

Signed Wednesday, [10 May 2017]

Chaim Aharenthal – Secretary

**BEIS DIN TZEDEK**  
(Rabbinical Court)  
**ORCHOIS MISHPOT**  
148 Penn St.  
Brooklyn N.Y. 11211  
(718) 403-0160 Fax (718) 237-2497

**בית דין צדק**  
**אורחות משפט**  
**ברוקלין ניו-יארק**

**SUMMONS****הזמנה**

בס"ד

First Second Third

ראשונה (שני) שלישית

To (Defendant(s) לכבוד (הנתבע/ת/ים) ר' אשה ראטבארט הי"ו  
Address 20 Warwick Grove הכתובת  
City London, E5 9HU ENGLAND עיר  
Tel (home) \_\_\_\_\_ מסי הטעלפון (בבית)  
Tel (business/work) \_\_\_\_\_ מסי הטעלפון (במסחר/בעבודה)  
Fax # \_\_\_\_\_ מסי הפקס

At the request of (plaintiff(s) לבקשת (התובע/ת/ים) ר' ישראל אפרים פישל ראטבארט הי"ו  
Address 119 Lorimer St. #2-A הכתובת  
City Brooklyn, NY 11206 עיר  
Tel (home) \_\_\_\_\_ מסי הטעלפון (בבית)  
Tel (business/work) \_\_\_\_\_ מסי הטעלפון (במסחר/בעבודה)  
Fax # \_\_\_\_\_ מסי הפקס

הננו מזמינים את כב' לדין תורה: עבור עזבון של המנוח ר' חיים יונה ראטבארט ע"ה  
הדיי"ת נקבע ליום ד' בה"ב הבעל"ט, כ"א  
אייר תשע"ז, ועליכם לאשר הזמן עם הדיי"ת  
תומ"י  
וכנ"ל התובע מוכן להתדיין בדיי"ת  
ובלי"א וכו'

וע"ז באעה"ח יום דכ"ט פרשת אחיק שנת תשע"ז

החותם של הדיי"ת  
  
חיים צהרנטאל - מזכיר

☐ מצורף בזה הערה ☐ התובע יבוא עם טוען

Informal translation

Beis Din Tzedek (Rabbinical Court)  
Orchois Mishpot  
148 Penn St  
Brooklyn N.Y 11211  
(718) 403-0160 Fax (718) 237-2497

SUMMONS

First Second Third

To Defendant(s)	Mr Moshe Rothbart
Address	20 Warwick Grove
City	London E5 9HU ENGLAND
Tel (Home)	
Tel (Business/work)	
Fax #	
At the request of (plaintiff(s))	Israel Ephraim Fischl Rothbart
Address	119 Lorimer St. #2-A
City	Brooklyn, NY 11206
Tel (Home)	
Tel (Business/work)	
Fax #	

We hereby summon you to Din Torah [Rabbinic Justice] regarding the estate of the late Chaim Jonah Rothbart RIP

The hearing will take place on Wednesday, [17 May 2017], and you must confirm the time with the court.

In addition, the plaintiff is willing to submit to Rabbinical arbitration etc.

Signed Wednesday, [10 May 2017]

Chaim Aharenthal – Secretary

First Second Third

ԼՆՌԱԷԼ (ՌԷ, ) ՌՀԼՌԷ

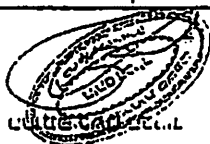
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אזרחים מא: (נח), אשכנזי ח מלאה מנה ללואה

בנימין אשכנזי - מנהל



Informal translation

Beis Din Tzedek (Rabbinical Court)  
Orchois Mishpot  
148 Penn St  
Brooklyn N.Y 11211  
(718) 403-0160 Fax (718) 237-2497

SUMMONS

First Second Third

To Defendant(s)	Mr Izaak Rothbart
Address	7 Elm Park Ave.
City	London N15 6AL ENGLAND
Tel (Home)	
Tel (Business/work)	
Fax #	
At the request of (plaintiff(s))	Israel Ephraim Fischl Rothbart
Address	119 Lorimer St. #2-A
City	Brooklyn, NY 11206
Tel (Home)	
Tel (Business/work)	
Fax #	

We hereby summon you to Din Torah [Rabbinic Justice] regarding the estate of the late Chaim Jonah Rothbart RIP

The hearing will take place on Wednesday, [17 May 2017], and you must confirm the time with the court.

In addition, the plaintiff is willing to submit to Rabbinical arbitration etc.

Signed Wednesday, [10 May 2017]  
Chaim Aharenthal – Secretary

משרד המשפטים

17

אברהם ארן חיוק צפון-מזרח  
אברהם ארן חיוק צפון-מזרח - הנני מודיע לך שבגלל הנהגתך נאכזזת  
עקבך אנו צוין לך - הנני מודיע לך שבגלל הנהגתך נאכזזת  
ודאעך ארן חיוק צפון-מזרח

אברהם ארן חיוק צפון-מזרח

*[Signature]*

**Informal translation**

To the honourable Mr Chaim Aharenthal

In light of the summonses we received, we hereby inform you that since all of the respondents are present in London, the claimant should summon the respondents in London.

15 May 2017

Esther Rothbart and her family

[signed: E Rothbart]

**BEIS DIN TZEDEK**  
Jewish Arbitration Court

**ORCHARD MISHPAT**

148 Park St  
Brooklyn, NY 11211  
Tel: 718-338-1100 Fax: 718-338-1107

**בית דין צדק**

**אורחות משפט**

**ברוקלין ניו-יארק**

**SUMMONS**

First Second Third

**הזמנה**

טו

**ראשונה שני שלישית**

Defendant(s)

Address

City

State

Zip Code

Phone

Plaintiff(s) / Plaintiff(s) Address

City

State

Zip Code

Plaintiff(s) / Plaintiff(s) Address

City

לכבוד: **מקסוועלדסון בראון האטבארט ה"ר**

**20 Warwick Grove**

**London, E5 8JU ENGLAND**

טל: 020 7460 0000

פיקס: 020 7460 0001

אימייל: **maxwell@maxwell.co.uk**

לכבוד: **התובעת והתובעת הד"ר יקרה אפרת קיש האטבארט ה"ר**

**171 Larkspur St #2-A**

**Brooklyn, NY 11208**

טל: 718-778-0000

פיקס: 718-778-0001

אימייל: **maxwell@maxwell.co.uk**

**חזון כוונתיים את כפי לדיו תורה: עבר עדין של המנהל ה"ר יוסף נצר האטבארט ק"ר**

בראיו של נצריא ובראיו המנהל ב"ר יוסף נצר האטבארט ק"ר

ה"ר יוסף נצר האטבארט ק"ר האטבארט ק"ר האטבארט ק"ר

בנוסף מנהל ב"ר יוסף נצר האטבארט ק"ר האטבארט ק"ר

ה"ר יוסף נצר האטבארט ק"ר האטבארט ק"ר האטבארט ק"ר

טל: 718-778-0000 פיקס: 718-778-0001 אימייל: **maxwell@maxwell.co.uk**

לכבוד: **התובעת והתובעת הד"ר יקרה אפרת קיש האטבארט ה"ר**

**חיים עמרמא - נאליד**

Informal translation

Beis Din Tzedek (Rabbinical Court)  
Orchois Mishpot  
148 Penn St  
Brooklyn N.Y 11211  
(718) 403-0160 Fax (718) 237-2497  
SUMMONS

First Second Third

To Defendant(s)	Mr Moshe Rothbart
Address	20 Warwick Grove
City	London E5 9HU ENGLAND
Tel (Home)	
Tel (Business/work)	
Fax #	
At the request of (plaintiff(s))	Israel Ephraim Fischl Rothbart
Address	119 Lorimer St. #2-A
City	Brooklyn, NY 11206
Tel (Home)	
Tel (Business/work)	
Fax #	

We hereby summon you to Din Torah [Rabbinic Justice] regarding the estate of the late Chaim Jonah Rothbart RIP

In the Court of Arbitration. The plaintiff has chosen as his arbitrator Rabbi Yakuthiel Zalman Graus [may God bless him with longevity], therefore you must select an arbitrator for your side, no later than ten days, and to communicate with the plaintiff's arbitrator to select a time for Din Torah without evasion. (Letter from the Court enclosed).

Signed Thursday, [29 June 2017]  
Chaim Aharenthal – Secretary

85

DN1 LRU 12793356-1 1024520011

Case 1:19-cv-00066 Document 1-3 Filed 01/04/19 Page 62 of 77 PageID #: 85

UNITED STATES DISTRICT COURT

IN RE: THE ESTATE OF JAMES EARL RAY, JR.

THE COURT hereby orders that the following assets be included in the estate of James Earl Ray, Jr. for the purpose of the distribution of the assets to the beneficiaries of the estate.

The assets to be included are:

1. The cash on hand of the decedent at the time of his death.

2. The cash in the decedent's bank accounts at the time of his death.

3. The cash in the decedent's investment accounts at the time of his death.

4. The cash in the decedent's life insurance policies at the time of his death.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT

UNITED STATES DISTRICT COURT  
IN RE: THE ESTATE OF JAMES EARL RAY, JR.  
JAMES EARL RAY, JR.

BEIS DIN TZEDEK  
(Kashmiri Court)  
ORCHHOIS VISHUPOI  
148 Pooni St  
Boulevard N.Y. 10011  
Tel: (212) 691-1111

Informal translation

Beis Din Tzedek (Rabbinical Court)  
Orchois Mishpot  
148 Penn St  
Brooklyn N.Y 11211  
(718) 403-0160 Fax (718) 237-2497

[29 June 2017]

To the Defendants

Mr Joseph Rothbart [may God keep him] / Mr David Rothbart [may God keep him] / Mr Levi  
Zvi Rothbart [may God keep him] / Mr Isaac Rothbart [may God keep him] and Mrs Esther  
Rothbart [long may she live]

Enclosed please find a third summons. The court is in receipt of an answer from Rabbi  
Schlezinger [may God bless him with longevity], and following a review of the Halacha  
[Jewish law and jurisprudence] and practice and procedure of the Beth Din in London, in  
addition to the fact that the plaintiff is not in London, and it appears that the defendants are  
avoiding the hearings, and since the plaintiff has applied by virtue of the fact that he is an heir  
on a par with all of the defendants, and has not received any information or list or papers or  
wills from the estate of the late Mr Chaim Jonah RIP, therefore he seeks the court's  
permission to apply in civil courts for production of all information, lists etc of the estate  
assets, in light of all of the above the court determines as follows:

Decision of the court

- A) The plaintiff is entitled to an arbitral hearing and we have therefore sent a third summons.  
B) If the defendants do not select an arbitrator/Dayan [learned counsel/judge] within ten days  
and indicate a willingness to select a third, the plaintiff shall have permission to apply in civil  
courts (subject to certain conditions of the Beth Din) to compel the defendants to hand over to  
him all information concerning the estate of the aforementioned deceased.

Signed today's date

Chaim Aharenthal – Secretary

[illegible][illegible][illegible]

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פיקוד. המבצע נמשך כשלושה שבועות.

## SNOWBIRDS

BEIS DIN TZEDEK  
Kachiboncz 1, Room 1  
ORCHIDS MISHNUT  
148 Penn St  
Brooklyn N.Y. 11211  
2121 401-0160 Fax: (212) 237-2497

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 11-11-2010 BY 60322

Informal translation

Beis Din Tzedek (Rabbinical Court)  
Orchois Mishpot  
148 Penn St  
Brooklyn N.Y 11211  
(718) 403-0160 Fax (718) 237-2497

**SUMMONS**

First Second Third

To Defendant(s)	Mr Joseph Rothbart
Address	58 Moresby Rd.
City	London E5 9LF ENGLAND

Tel (Home)

Tel (Business/work)

Fax #

At the request of (plaintiff(s))	Israel Ephraim Fischl Rothbart
----------------------------------	--------------------------------

Address	119 Lorimer St. #2-A
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City	Brooklyn, NY 11206
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Tel (Home)

Tel (Business/work)

Fax #

We hereby summon you to Din Torah [Rabbinic Justice] regarding the estate of the late Chaim Jonah Rothbart RIP

In the Court of Arbitration. The plaintiff has chosen as his arbitrator Rabbi Yakuthiel Zalman Graus [may God bless him with longevity], therefore you must select an arbitrator for your side, no later than ten days, and to communicate with the plaintiff's arbitrator to select a time for Din Torah without evasion. (Letter from the Court enclosed).

Signed Thursday, [29 June 2017]

Chaim Aharenthal – Secretary

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Informal translation

Beis Din Tzedek (Rabbinical Court)  
Orchois Mishpot  
148 Penn St  
Brooklyn N.Y 11211  
(718) 403-0160 Fax (718) 237-2497

**SUMMONS**

First Second Third

To Defendant(s) Mr David Rothbart  
Address 24 Jessam Rd.  
City London E5 9DU ENGLAND

Tel (Home)

Tel (Business/work)

Fax #

At the request of (plaintiff(s)) Israel Ephraim Fischl Rothbart

Address 119 Lorimer St. #2-A

City Brooklyn, NY 11206

Tel (Home)

Tel (Business/work)

Fax #

We hereby summon you to Din Torah [Rabbinic Justice] regarding the estate of the late Chaim Jonah Rothbart RIP

In the Court of Arbitration. The plaintiff has chosen as his arbitrator Rabbi Yakuthiel Zalman Graus [may God bless him with longevity], therefore you must select an arbitrator for your side, no later than ten days, and to communicate with the plaintiff's arbitrator to select a time for Din Torah without evasion. (Letter from the Court enclosed).

Signed Thursday, [29 June 2017]

Chaim Aharenthal – Secretary

CONFIDENTIAL

**התחברות חברים**

CONFIDENTIAL

THESE DOCUMENTS SONT DESTINES A L'USAGE  
UNIQUEMENT DES MEMBRES DES COMITES DE L'AMERICAN  
OVERSIGHT. IL NE DOIT PAS ETRE COMMUNIQUE A  
AUTRUI. IL NE DOIT PAS ETRE REPRODUIT, NI  
DISTRIBUE, NI CITE. IL NE DOIT PAS ETRE  
UTILISE A DES FINS COMMERCIALES. IL NE DOIT PAS  
ETRE COMMUNIQUE A DES TROISIEMES PERSONNES.  
IL NE DOIT PAS ETRE COMMUNIQUE A DES TROISIEMES PERSONNES.

1. 119 Lottner St. 22-A  
Brooklyn, NY 11208  
 2. 15 Rockwood Rd  
Brooklyn, NY 11208  
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Brooklyn, NY 11208

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ALL INFORMATION CONTAINED  
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DATE 06-11-2018 BY 60322

BEIS DIN TZEDEK  
KREIBHOLZ & CO  
ORCHEIDEN AUSTRIE  
14512 km 51  
HOLLAND 1211  
181401 1260 1211 1211 1211

Informal translation

Beis Din Tzedek (Rabbinical Court)  
Orchois Mishpot  
148 Penn St  
Brooklyn N.Y 11211  
(718) 403-0160 Fax (718) 237-2497

**SUMMONS**

First Second Third

To Defendant(s)	Mr Levi Zvi Rothbart
Address	18 Rookwood Rd.
City	London N16 6SS ENGLAND
Tel (Home)	
Tel (Business/work)	
Fax #	
At the request of (plaintiff(s))	Israel Ephraim Fischl Rothbart
Address	119 Lorimer St. #2-A
City	Brooklyn, NY 11206
Tel (Home)	
Tel (Business/work)	
Fax #	

We hereby summon you to Din Torah [Rabbinic Justice] regarding the estate of the late Chaim Jonah Rothbart RIP

In the Court of Arbitration. The plaintiff has chosen as his arbitrator Rabbi Yakuthiel Zalman Graus [may God bless him with longevity], therefore you must select an arbitrator for your side, no later than ten days, and to communicate with the plaintiff's arbitrator to select a time for Din Torah without evasion. (Letter from the Court enclosed).

Signed Thursday, [29 June 2017]  
Chaim Aharenthal – Secretary

100-441882  
 WILLIAM CAGAN  
 100-441882

Informal translation

Beis Din Tzedek (Rabbinical Court)  
Orchois Mishpot  
148 Penn St  
Brooklyn N.Y 11211  
(718) 403-0160 Fax (718) 237-2497

SUMMONS

First Second Third

To Defendant(s) Mr Abraham Yishai Rothbart  
Address 47 Watermint Quay Craven Walk  
City London N16 6DN 9DU ENGLAND

Tel (Home)

Tel (Business/work)

Fax #

At the request of (plaintiff(s) Israel Ephraim Fischl Rothbart

Address 119 Lorimer St. #2-A

City Brooklyn, NY 11206

Tel (Home)

Tel (Business/work)

Fax #

We hereby summon you to Din Torah [Rabbinic Justice] regarding the estate of the late Chaim Jonah Rothbart RIP

In the Court of Arbitration. The plaintiff has chosen as his arbitrator Rabbi Yakuthiel Zalman Graus [may God bless him with longevity], therefore you must select an arbitrator for your side, no later than ten days, and to communicate with the plaintiff's arbitrator to select a time for Din Torah without evasion. (Letter from the Court enclosed).

Signed Thursday, [29 June 2017]

Chaim Aharenthal – Secretary

BEAS DIN TZEDEK  
ORCHIDS MUSEUM  
48 Penn St  
Hingham, NY 12511  
Tel: 518/381-1311

Informal translation

Beis Din Tzedek (Rabbinical Court)  
Orchois Mishpot  
148 Penn St  
Brooklyn N.Y 11211  
(718) 403-0160 Fax (718) 237-2497

**SUMMONS**

First Second Third

To Defendant(s)	Mr Izaak Rothbart
Address	7 Elm Park Ave.
City	London N15 6AL ENGLAND
Tel (Home)	
Tel (Business/work)	
Fax #	
At the request of (plaintiff(s))	Israel Ephraim Fischl Rothbart
Address	119 Lorimer St. #2-A
City	Brooklyn, NY 11206
Tel (Home)	
Tel (Business/work)	
Fax #	

We hereby summon you to Din Torah [Rabbinic Justice] regarding the estate of the late Chaim Jonah Rothbart RIP

In the Court of Arbitration. The plaintiff has chosen as his arbitrator Rabbi Yakuthiel Zalman Graus [may God bless him with longevity], therefore you must select an arbitrator for your side, no later than ten days, and to communicate with the plaintiff's arbitrator to select a time for Din Torah without evasion. (Letter from the Court enclosed).

Signed Thursday, [29 June 2017]  
Chaim Aharenthal – Secretary

DN1 FU 13793336-1 102452 0011

UNITED STATES DISTRICT COURT



IN RE: [Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

Informal translation

Beis Din Tzedek (Rabbinical Court)  
Orchois Mishpot  
148 Penn St  
Brooklyn N.Y 11211  
(718) 403-0160 Fax (718) 237-2497

**SUMMONS**

First Second Third

To Defendant(s)	Mrs Esther Rothbart
Address	18 Overlea Rd.
City	London E5 6BG ENGLAND

Tel (Home)

Tel (Business/work)

Fax #

At the request of (plaintiff(s))	Israel Ephraim Fischl Rothbart
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Address	119 Lorimer St. #2-A
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City	Brooklyn, NY 11206
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Tel (Home)

Tel (Business/work)

Fax #

We hereby summon you to Din Torah [Rabbinic Justice] regarding the estate of the late Chaim Jonah Rothbart RIP

In the Court of Arbitration. The plaintiff has chosen as his arbitrator Rabbi Yakuthiel Zalman Graus [may God bless him with longevity], therefore you must select an arbitrator for your side, no later than ten days, and to communicate with the plaintiff's arbitrator to select a time for Din Torah without evasion. (Letter from the Court enclosed).

Signed Thursday, [29 June 2017]

Chaim Aharenthal – Secretary

1100 102452 0011

(10/10/19)  
10/10/19

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...

Informal translation

To Orchois Mishpot Court [may God bless you with longevity]

We hereby reply to you out of the esteem in which we hold you that we are prepared to have the matter heard by the Beth Din ח"הקחאמה [a specific Beth Din in London] in our city, as we have previously informed you, and in response to your letter of 29 June 2017 we enclose the response of the respected Rabbi Schlezinger [may God bless you with longevity].

Therefore, our communications with Orchois Mishpot Court are at an end, and if the plaintiff should apply to civil court he will forfeit his right to have the matter heard again by the Beth Din as explained in the [Halacha – relevant citation]. Knowing the consequences of his actions, the plaintiff must act as he sees fit.

Signed on 12 July 2017

Joseph Rothbart  
On behalf of the Rothbart Family



**IN THE HIGH COURT OF JUSTICE**  
**FAMILY DIVISION**  
**THE PRINCIPAL REGISTRY**

**IN THE ESTATE OF JANOS ROTHBART DECEASED**

**BETWEEN:**

**ISRAEL ROTHBART**

**Claimant**

**- and -**

**MORRIS ROTHBART**

**Defendant**

---

**SUBPOENA**

---

**NOTICE: IF YOU, THE WITHIN-NAMED MORRIS ROTHBART, NEGLECT TO OBEY THIS SUBPOENA BY THE TIME THEREIN STATED, YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND LIABLE TO IMPRISONMENT.**

**ELIZABETH THE SECOND**, by the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Our Other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith

**TO Morris Rothbart of 20 Warwick Grove, London E5 9HU.**

It appears by an Affidavit of Israel Rothbart sworn on 21 December 2017 and filed in the Principal Registry of the Family Division of our High Court of Justice that a certain original document, being or purporting to be testamentary, to wit the last will and testament, made in 2012 of Janos Rothbart deceased, late of 18 Overlea Road, Clapton Common, London E5 9BG who died on 3 June 2015 is now in your possession, custody or power.

**WE COMMAND YOU** that, within fourteen days after service hereof on you, inclusive of the day of such service, you do bring into and leave with the proper officer in the Principal Registry the above mentioned original document now in the possession, custody or power of you Morris Rothbart:

**WITNESS, David Gauke M.P. Lord High Chancellor of Great Britain at the High Court of Justice on**

28<sup>th</sup> February 2018.



**DISTRICT REGISTRAR**

  
**HELEN WHITBY**  
**DISTRICT REGISTRAR**

Subpoena issued by McDermott Will & Emery of 110 Bishopsgate, London EC2N 4AY, Solicitors.

The Principal Registry of the Family Division of the High Court of Justice is at First Avenue House, 42-49 High Holborn, London WC1V 6NP, and the proper officer referred to is the Record Keeper

**NOTE:** If you Morris Rothbart deny that the testamentary document referred to is in your possession, custody or power, you may swear an affidavit to that effect and file it in the Principal Registry.

To the Defendant.

**Affidavit on behalf of: Claimant**  
**Affidavit of: Jane Gregory**  
**Affidavit No: 1**  
**Exhibit No: "JG1"**  
**Date Sworn: As Dated**

**IN THE HIGH COURT OF JUSTICE**  
**FAMILY DIVISION**  
**THE PRINCIPAL REGISTRY**

**IN THE ESTATE OF JANOS ROTHBART DECEASED**

**B E T W E E N:**

**ISRAEL ROTHBART**

**Claimant**

**- and -**

**MORRIS ROTHBART**

**Defendant**

---

**AFFIDAVIT OF PROCESS SERVER**

---

I, Jane Gregory of United Kingdom Process, 31-35 Kirby Street, London, EC1N 8TE, Process Server acting under the direction of McDermott Will & Emery, Solicitors for the Claimant Swear on Oath as follows:

1. That except where otherwise stated to the contrary this Affidavit is made of my own knowledge to the matters referred to.
2. That I did on Monday the 12th day of March 2018 at 9.00pm hours serve the Defendant Mr Morris Rothbart with a Subpoena and Affidavit of Israel Rothbart with Exhibit issued herein outside 70 Markfield Road, London, N15 4QF.
3. There is now produced and shown to me marked "JG1" a bundle containing true copies of the documents so served by me.

4. That the residential address for Mr Morris Rothbart had been attended earlier that evening but that his wife Sarah had informed me that he was not currently home and that she would pass my details to him. That approximately 5 minutes after leaving the residential address, a telephone call was received from Mr Morris Rothbart who stated that he was currently at work but that he would meet me outside his work premises. That Mr Morris Rothbart supplied a work address of 70 Markfield Road, London, N15 4QF. That I immediately proceeded to this secondary address and found the Defendant waiting outside and that I then personally served the Defendant Mr Morris Rothbart with the aforementioned documents. That Mr Morris Rothbart confirmed his identity whilst accepting the documents from me.

Sworn by

*J Gregory* J GREGORY.

At FIRST FLOOR, 63-66 MATTON GARDEN,  
LONDON, EC1N 8LE

This 20<sup>th</sup> DAY OF MARCH 2018

Before me,

*[Signature]*  
JACK BENDING

SOLICITOR / COMMISSIONER OF OATHS

Affidavit on behalf of: Claimant  
Affidavit of: Jane Gregory  
Affidavit No: 1  
Exhibit No: "JG1"  
Date Sworn: As Dated

IN THE HIGH COURT OF JUSTICE  
FAMILY DIVISION  
THE PRINCIPAL REGISTRY

IN THE ESTATE OF JANOS ROTHBART DECEASED

B E T W E E N:

ISRAEL ROTHBART

Claimant

- and -

MORRIS ROTHBART

Defendant

---

EXHIBIT "JG1"

---

THIS BUNDLE MARKED "JG1" REFERRED IN THE AFFIDAVIT OF  
JANE GREGORY DATED 20th March, 2018

Signed J. Gregory  
JACK BENJAMIN  
SOLICITOR / COMMISSIONER OF OATHS.

Affidavit on behalf of: Claimant  
Affidavit of: Jane Gregory  
Affidavit No: 1  
Exhibit No: "JG1"  
Date Sworn: As Dated

IN THE HIGH COURT OF JUSTICE  
FAMILY DIVISION  
THE PRINCIPAL REGISTRY

IN THE ESTATE OF JANOS ROTHBART DECEASED

B E T W E E N:

ISRAEL ROTHBART  
Claimant

- and -

MORRIS ROTHBART  
Defendant

AFFIDAVIT OF PROCESS SERVER

**IN THE HIGH COURT OF JUSTICE**

**FAMILY DIVISION**

**THE PRINCIPAL REGISTRY**

**IN THE ESTATE OF JANOS ROTHBART DECEASED**

**BETWEEN:**

**ISRAEL ROTHBART**

**CLAIMANT**

**AND**

**MORRIS ROTHBART**

**DEFENDANT**

---

**AFFIRMATION OF MORRIS ROTHBART**

---

I, Morris Rothbart of 20 Warwick Grove, London, E5 9HU, Defendant herein, do solemnly and sincerely declare and affirm as follows:

1. I am the uncle of the Claimant and one of the surviving children of Janos Rothbart Deceased and I make this Affirmation in response to the Subpoena issued on 28<sup>th</sup> February 2018 and to the Claimant's Affidavit and Exhibit of 12<sup>th</sup> December 2017. Save as otherwise appears from the context hereof, all statements of fact herein are to my knowledge true.
2. I have no knowledge of any Will made in or around 2012 by my deceased father and thus am in no position to produce a document of which I have no knowledge and cannot have been in possession of. As will appear from matters below, and as should be well known to the Claimant, in August 2009 my deceased father suffered a severe stroke which led to a brain haemorrhage as a result of which he was physically and mentally unable and incapable to have executed a Will from that time

until his death. At all times after the stroke he was totally dependent on his close family and carers to look after his physical and mental wellbeing.

3. The only Will of my late father of which I have any knowledge is the one made by him in 1975 a copy of which is exhibited to the Claimant's Affidavit, which was discovered after the Claimant's Solicitors made a request for a will.
4. In addition and by way of general comment, I note that the majority of the evidence in the Claimant's Affidavit is at best hearsay and that at no stage has he sought to adduce any evidence from Livi Kraus, who is the Claimant's brother-in-law and who I have met at many family functions. I accept we discussed many matters including my late father's estate, but at no time did, or could I have produced the alleged Will in circumstances where I know of no such Will and I fail to understand why it is that there is no direct evidence from Mr Kraus upon which he can be cross-examined.
5. My late father's estate consists of limited amounts of cash and personal effects, the total value of which is likely to be less than £80,000.00 and although application is now being made for a grant of probate based on the 1975 will, it has not so far proven necessary to have a grant.
6. My late father died aged 82 and had been housebound without any substantial regular income for some 6 years before his death and in circumstances where he retired from business in circa 1998 and was reliant on state and German reparations pension. My family are all members of the Hasidic Orthodox community such that in addition to my late father's philanthropic charitable bequests he also made regular gifts to his 7 (and unfortunately later 6) children, 52 grandchildren and 15 great grandchildren who he gave generously to. In addition, and after his stroke, he had to pay for carers and home help.
7. In summary, I know of no Will other than the 1975 Will and that my late father's estate had only a nominal value.
8. I note that the affidavit of the Claimant is contradictory in several material respects and more importantly adduces no evidence as to what are alleged to have been the terms of the alleged (but denied) 2012 Will and clearly all the Court can decide is

whether or not such a Will was made and the effect this might have had on the 1975 Will.

Affirmed by the above named deponent:

  
.....

at: GOODMAN RAY SOLICITORS

this 26 day of MARCH 2018

before me: JENNIFER CROSSTHWAITE

Signature: 

Name:

Solicitor / ~~Commissioner for oaths~~

Goodman Ray  
5 Cranwood Street  
LONDON  
EC1V 9GR

**HIGH COURT OF JUSTICE**  
**FAMILY DIVISION**  
**THE PRINCIPAL REGISTRY**  
**IN THE ESTATE OF JANOS ROTHBART DECEASED**

**BETWEEN:**

**ISRAEL ROTHBART**  
**CLAIMANT**

**AND**

**MORRIS ROTHBART**  
**DEFENDANT**

---

**AFFIRMATION OF MORRIS ROTHBART**

---

**DKLM LLP**  
**City House**  
**3 Cranwood Street**  
**London**  
**EC1V 9PE**  
**Ref: JHK/ROT31421.001**

# McDermott Will & Emery

Boston Brussels Chicago Dallas Düsseldorf Frankfurt Houston London Los Angeles Miami  
Milan Munich New York Orange County Paris Rome Seoul Silicon Valley Washington, D.C.

Strategic alliance with MWE China Law Offices (Shanghai)

Ziva Robertson  
zrobertson@mwe.com  
+44 20 7577 6950

Our Ref: ZR/DB - 102452.0011

DKLM  
3 Cranwood St  
Hoxton  
London  
EC1V 9PE

8 October 2018

Dear Sirs

## **The Estate of the Late Janos Rothbart, Deceased**

We refer to our client's subpoena of 28 February 2018 and your client's affirmation in response dated 26 March 2018 (the Affirmation).

The Affirmation contains assertions that fail to adequately explain key aspects of matters raised in our client's affidavit and are contrary to your client's conduct to date. In an effort to resolve the dispute without further proceedings, consistently with the overriding objective, we would be most grateful for replies to the following queries:

1. Your client has made numerous payments to our client, ostensibly by way interim distributions from the Deceased's estate. If these payments were, in fact, not made from the Deceased's estate, we should be grateful for your client's clarification of the source and the reason for these payments.
2. In the Affirmation, your client stated that an application for a grant of probate would be made based on the 1975 Will. However, we do not believe that an application for a grant of probate has been issued to date. Moreover, we note that the estate is said to be worth £80,000 but your client has failed to recall a loan made by the Deceased to one of his companies in the sum of £129,000, in respect of which a charge remains in place. If the loan has in fact been discharged, we would have expected the charge to have been removed and the estate to be larger than stated by your client. Please therefore confirm the correct size of the estate and explain why a grant of probate has not been taken out.
3. Please confirm specifically whether your client is aware of *any* testamentary instrument created by the Deceased during his lifetime, other than the 1975 will, whether your client considers such instrument to be valid or not, whether made pursuant to English law or

*McDermott Will & Emery UK LLP is a limited liability partnership regulated by the Solicitors Regulation Authority and registered in England and Wales, registered number OC311909. The members are solicitors or registered foreign lawyers. A list of members' names and their professional qualifications is available for inspection at the principal place of business and registered office shown below.*

110 Bishopsgate London EC2N 4AY DX 131004 CDE Houndsditch Telephone: +44 20 7577 6900 Facsimile: +44 20 7577 6950 [www.mwe.com](http://www.mwe.com)

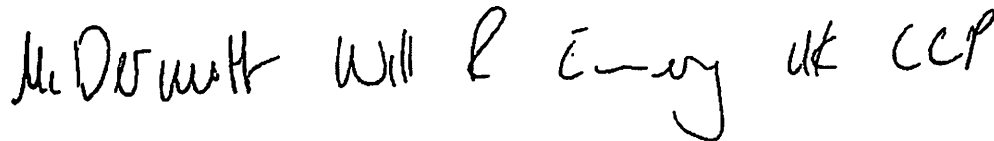
Jewish *halacha*, or alternatively, any other documents providing for gifts or other transfers by the Deceased prior to his death, whether made pursuant to English law or Jewish *halacha*.

4. Your client did not comment on the trust established by the Deceased during his lifetime. Please confirm the extent of your client's knowledge of any trusts established either by the Deceased or for the benefit of the Deceased and/or his heirs.

As regards security for costs, we do not accept that our client is obliged to provide any such security in the circumstances of this case; but in any event you will be aware that the maximum he would be expected to provide, on any view, is the costs of enforcement of an English costs judgment in the USA. Such enforcement cannot reasonably cost more than £2,000 and our client would be willing to provide this by way of security, strictly as a commercial decision designed to avoid unnecessary skirmishes, in the unfortunate event that your client's recalcitrance mandates the continuation of the proceedings.

We look forward to hearing from you by no later than 22 October 2018.

Yours faithfully

A handwritten signature in black ink, appearing to read "McDermott Will & Emery UK LLP". The signature is written in a cursive, flowing style.

**McDermott Will & Emery UK LLP**

# McDermott Will & Emery

Boston Brussels Chicago Dallas Düsseldorf Frankfurt Houston London Los Angeles Miami  
Milan Munich New York Orange County Paris Rome Seoul Silicon Valley Washington, D.C.

Strategic alliance with MWE China Law Offices (Shanghai)

Ziva Robertson  
zrobertson@mwe.com  
+44 20 7577 6950

Our Ref: ZR/DB - 102452 0011

DKLM  
3 Cranwood St  
Hoxton  
London  
EC1V 9PE

30 October 2018

Dear Sirs

**The Estate of the Late Janos Rothbart, Deceased**

We refer to our letter of 8 October, to which we are yet to receive a response.

We should be grateful if your clients could address our client's queries as soon as practicable and by no later than Tuesday, 6 November.

Yours faithfully

*McDermott Will & Emery UK LLP*

**McDermott Will & Emery UK LLP**

*McDermott Will & Emery UK LLP is a limited liability partnership regulated by the Solicitors Regulation Authority and registered in England and Wales, registered number OC311909. The members are solicitors or registered foreign lawyers. A list of members' names and their professional qualifications is available for inspection at the principal place of business and registered office shown below.*

110 Bishopsgate London EC2N 4AY DX 131004 CDE Houndsditch Telephone: +44 20 7577 6900 Facsimile: +44 20 7577 6950 [www.mwe.com](http://www.mwe.com)

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Joseph J. Schwartz, Esq.  
Law Office of Joseph J. Schwartz, P.C.  
3118 Quentin Road  
Brooklyn, New York 11234  
Phone: (347) 566-4623  
Fax: (347) 757-4166  
joseph@jsalawpc.com

*Attorneys for Claimant Israel Rothbart*

**UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF NEW YORK**

-----X

In re: Application of ISRAEL ROTHBART  
for an Order to Conduct Discovery for Use  
in a Foreign Legal Proceeding Pursuant  
to 28 U.S.C. § 1782

Misc. Action No. \_\_\_\_\_

**ORDER**

-----X

THIS MATTER having been brought by application Israel Rothbart ("Claimant"), by and through his attorneys at the Law Office of Joseph J. Schwartz, P.C., on an Application Pursuant to 28 U.S.C. § 1782 (the "Application"); and the Court having considered the papers submitted in support thereof; and for good cause shown;

IT IS on this \_\_\_\_\_ day of \_\_\_\_\_, 2019, hereby:

ORDERED that Claimant's Application seeking discovery from Livi Kraus a/k/a Levi Kraus a/k/a Levi Yitzchak Kraus ("Kraus"), resident of Brooklyn, New York, for use in *Israel Rothbart v. Morris Rothbart (In re: Estate of Janos Rothbart Deceased)*, SUB-39329/18, High Court of Justice, Family Division, The Principal Registry, United Kingdom (the "U.K. Proceeding") pursuant to 28 U.S.C. § 1782 is hereby GRANTED; it is

**FURTHER ORDERED** that Claimant is authorized to issue the Subpoena in the form attached as Exhibit H to the Declaration of Joseph J. Schwartz seeking deposition testimony and the production of documents from Kraus; it is

**FURTHER ORDERED** that Claimant is authorized to issue further subpoenas to Kraus for additional documents and testimony relating to the U.K. Proceeding as Claimant may deem reasonably appropriate during the course of the U.K. Proceeding and/or subsequent related proceedings; it is

**FURTHER ORDERED** that counsel for Claimant is hereby appointed to take deposition testimony, receive documents and administer oaths related to all discovery conducted by Claimant pursuant to this Order; it is

**FURTHER ORDERED** that all discovery conducted by Claimant pursuant to this Order shall be conducted in accordance with the Federal Rules of Civil Procedure; and it is

**FURTHER ORDERED** that Claimant shall serve copies of this Order and any subpoenas issued pursuant to this Order on the parties in the U.K. Proceeding.

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Hon.

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action

## UNITED STATES DISTRICT COURT

for the

Eastern District of New York

	)	
In Re: Application of:	)	
Israel Rothbart for an Order to Conduct Discovery for Use	)	Civil Action No. 1:18-mc-_____
in a Foreign Proceeding Pursuant to 28 U.S.C. 1782	)	
	)	
<i>Defendant</i>	)	

## SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Livi Kraus a/k/a Levi Kraus a/k/a Levi Yitzchak Kraus, 270 Wallabout Street, Apt 2B, Brooklyn,  
New York 11210

☒ **Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place: Law Office of Joseph J. Schwartz, P.C., 3118 Quentin Road Brooklyn, New York 11234	Date and Time: _____, 2019 at 10:00 A.M.
-------------------------------------------------------------------------------------------------	------------------------------------------

The deposition will be recorded by this method: Court Reporter and Video Recording

☒ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material: **See Exhibit A**

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: \_\_\_\_\_ **CLERK OF COURT**

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Israel Rothbart  
\_\_\_\_\_, who issues or requests this subpoena, are:  
Joseph J. Schwartz, Esq., 3118 Quentin Road, Brooklyn, New York 11234, 347-566-4623, joseph@jsalawpc.com

## Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)****(c) Place of Compliance.**

**(1) For a Trial, Hearing, or Deposition.** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

**(2) For Other Discovery.** A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(g) Contempt.**

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

**EXHIBIT A**

**DOCUMENTS TO BE PRODUCED IN RESPONSE TO SUBPOENA**

1. All documents or communications pertaining to, relating to, discussing, or otherwise evidencing matters concerning the Estate, the Hebrew Will, Trust, any testamentary document of the Deceased and/or the U.K. Proceeding.
2. Copies of any emails, spreadsheets, text messages, WhatsApp chat, instant message, letters, facsimile or any other communications between You and either Esther Rothbart, Morris Rothbart, Joseph Rothbart, Abraham Yeshaya Rothbart, David Rothbart, Harry Rothbart, Jack Rothbart, Israel Rothbart, or any other members of the Rothbart Family, pertaining to the Estate, the Hebrew Will, Trust, any testamentary document of the Deceased and/or the U.K. Proceeding during the period of January 2015 to the present.
3. Copies of all documents, notes, reports, memoranda, emails, text messages, or other writings pertaining to Your visit to London in or around the Spring of 2015 and any discussions had therein pertaining to the Estate, the Hebrew Will, Trust, or any other testamentary document of the Deceased.
4. Copies of any checks, deposit slips, receipts, emails, text messages, WhatsApp chats, instant messages, letters, facsimile or other documents pertaining to, referring to, demonstrating or otherwise evidencing any payments or transfer of funds, directly or indirectly, from Morris Rothbart, Joseph Rothbart, or Esther Rothbart to You, individually or for the benefit of any other members of the Rothbart Family, during the period of June 2015 to present.
5. Copies of any checks, deposit slips, receipts, emails, text messages, WhatsApp chats, instant messages, letters, facsimile or other documents pertaining to, referring to, demonstrating or otherwise evidencing any payments or transfer of funds, directly or indirectly, from Morris Herzog, Bernard Kraus, or any other third party at the request of Morris Rothbart to You, individually or for the benefit of any other members of the Rothbart Family, during the period of June 2015 to present.
6. Any and all non-privileged documents relied on or reviewed by You in preparation for or in response to this subpoena.

**DEFINITIONS & INSTRUCTIONS**

A. The following definitions and instructions shall apply:

- (i) Reference to any party, person or entity shall include its predecessors, successors,

parents, affiliates, subsidiaries, divisions, shareholders, members, officers, managers, directors, employees, representatives, agents, servants, attorneys and all persons acting or purporting to act on behalf of any of the foregoing.

(ii) "Communication" shall include oral, written, recorded or other transmission of information, in the form of facts, ideas, inquiries or otherwise.

(iii) "Documents" shall include: originals and copies, handwritten or printed, recorded, stored or reproduced by any process, including computer entry, of any Communication or matter, and drafts or revisions thereof and amendments thereto; each draft or non-identical copy shall be a separate document; objects or things to the extent responsive to a request and all documents or things similar to any of the items stated herein, including, but not limited to, punch cards, printout sheets, movie film slides, videotapes, phonograph records, photographs, microfilm, notes, letters, e-mails, records, memoranda, ledgers, journals, worksheets, accounting sheets, books of accounts, checkbooks, checks, bank statements, brochures, circulars, proofs, sheets, books, magazines, notebooks, diaries, calendars, appointment books, registers, charts, tables, papers, agreements, contracts, purchase orders, acknowledgments, invoices, authorizations, budgets, analyses, projections, transcripts, minutes of meetings of any kind, correspondence, telegrams, drafts, data processing disks or tapes, or computer produced interpretations thereof, mechanical or electrical sound records and transcripts thereof, computer printouts, and each copy of the foregoing which is non-identical because of marginal notations or otherwise. In all cases where originals or non-identical copies are not available, "Document" also means copies of the original document and copies of non-identical copies. A request for "Documents" shall include all transmittal sheets, cover letters, exhibits, enclosures or attachments thereto, as well as the "Documents" themselves. E-mails and their attachments shall not be separated, and all electronic documents shall be

produced with their associated metadata.

(iv) “Concerning” shall include: analyzing; commenting upon; comprising; concerning; constituting; containing; describing; discussing; disclosing; embodying; evidencing; explaining; identifying; indicating; recording; referring to, directly or indirectly; reflecting; relating to; setting forth; showing; summarizing or supporting.

(v) “And” and “or” shall be construed disjunctively or conjunctively so as to bring within the scope of any request all responses which otherwise might be construed as outside of its scope; “including” shall be interpreted to be “including without limitation”; and the singular form of a word shall be construed to include the plural and vice versa.

(vi) “Parties” shall mean the parties named in the caption above.

(vii) “U.K. Proceeding” shall mean the case captioned *Israel Rothbart v. Morris Rothbart (In re: Estate of Janos Rothbart Deceased)*), SUB-39329/18, High Court of Justice, Family Division, The Principal Registry, United Kingdom

(viii) “Deceased” shall mean Janos Rothbart, who resided during his lifetime at 18 Overlea Road, London, England.

(ix) The term “Estate” shall mean any assets belonging to the Deceased upon his death which form the estate of the Deceased upon his death in 2015.

(x) “Trust” shall mean any trust account, trust document, irrevocable trust, revocable trust, asset protection trust, charitable trust, constructive trust, special needs trust, spendthrift trust, tax by-pass trust, totten trust, or any other legal trust entity created by or on behalf of Janos Rothbart prior to his death, for which members of the Rothbart Family are beneficiaries.

(xi) “Rothbart Family” shall mean the children, grandchildren and great-grandchildren of Janos and Esther Rothbart, including their spouses.

(xii) "Hebrew Will" shall mean the Jewish religious Tzava'ah document executed by Janos Rothbart in or around 2012, or any other testamentary document executed by Janos Rothbart prior to his death in accordance with Jewish halacha.

(xiii) "You" or "Your" shall mean Livi Kraus, a/k/a Levi Yitzchak Kraus, your agents, employees, representatives, or other individuals acting on your behalf or at your instruction.

B. Unless otherwise expressly indicated, Documents to be produced shall be those dated, prepared, sent, received or applicable, effective, governing or concerning dates from and after the earliest date to which reference is made in the Complaint and continuing through to the present.

C. A request for Documents shall include all transmittal sheets, cover letters, exhibits, enclosures or attachments thereto, and any other Documents in connection therewith, as well as the Documents, themselves.

D. The failure of a request to employ the term "alleged" or a similar term shall not be deemed an admission.

E. This request is continuing in nature and, in the event the You become aware of, or acquires possession, custody or control of, any additional responsive Documents, You shall promptly notify the requesting party and shall produce such additional Documents for inspection and copying.

F. Documents shall be produced, organized and labeled so as to correspond to the specific requests in this notice, but each also shall be identified to the file, office or person from which it was obtained.

G. No later than one week prior to the date and time noticed for production, You shall provide a writing identifying any Documents withheld from production upon a claim of privilege,

relevance or otherwise, specifying alleged reasons for such withholding and providing for each such Document the following:

(i) name, title or position and relationship with any party to this action of each author or preparer, addressee or other party thereto, recipient thereof, or person to whom the contents thereof were communicated;

(ii) date of initial creation and dates of each subsequent modification and any date appearing thereon;

(iii) title, general description (such as “letter”, “memorandum”, “report”, “notation”, etc.) and number of pages, attachments and appendices;

(iv) name, title or position and address of each person presently in possession, custody or control of the Document and any copies thereof;

(v) location of such Document with sufficient detail to obtain its production; and

(vi) subject-matter and nature of privilege or objection asserted.

H. If any Document herein requested has been lost, discarded or destroyed, the You shall identify such Document as completely as possible, including, without limitation: the information requested in G (i) - (vi) above; the contents of the Document; the date and manner of disposal; the reasons for disposal; and the persons authorizing, having knowledge of or participating in the disposal; all persons having knowledge of the contents thereof, the steps, if any, taken to avoid such disposal and shall provide an affidavit setting forth the efforts made to locate and obtain the original and any copies of such Documents.

I. Notwithstanding the above, this subpoena shall be construed in accordance with Federal Rules of Civil Procedure Rule 45, and in the event of any discrepancy between the above the rules therein, the Federal Rules of Civil Procedure shall prevail.